



California Department of Fish and Wildlife
Central Region
1234 EAST SHAW AVENUE
FRESNO, CALIFORNIA 93710

California Endangered Species Act
 Incidental Take Permit No. 2081-2025-013-04

WINDHUB SOLAR B PROJECT

I. Authority:

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² However, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c). (See Cal. Code Regs., tit. 14, § 783.4.)

Permittee:	Windhub Solar B, LLC
Principal Officer:	Seth Adams seth.adams@standardsolar.com
Contact Person:	Jered Kropholler (301) 944-5266 jered.kropholler@standardsolar.com
Mailing Address:	530 Gaither Road, Suite 900 Rockville, Maryland 20850

II. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **December 31, 2062**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval Final Mitigation Report of this ITP.

¹Pursuant to Fish and Game Code section 86, "'take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 [for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' ... means to catch, capture or kill".])

²The definition of an endangered, threatened, and candidate species for purposes of CESA are found in Fish and Game Code sections 2062, 2067, and 2068, respectively.

III. Project Location:

The Windhub Solar B Project (Project) is located within an unincorporated area of eastern Kern County, California, approximately six miles west of the community of Mojave (City) and six miles west of California State Route 14 (Figure 1). The Project is located at approximately 35.014864 North, 118.270292 West, within Section 28, Township 11 North, Range 13 West. The Project is bordered by two other renewable energy generation facilities: the Solar Electric Photovoltaic (SEPV) Mojave West solar project located directly to the northwest and the Windhub Solar A project (Figure 2).

IV. Project Description:

The Project includes construction, operation, and maintenance of 79.5 acres of undeveloped land into a 20 megawatt (MW) solar energy facility. The Project will share use of an existing gentle line constructed by the SEPV Mohave West project to deliver energy to the statewide grid, interconnecting to the existing Southern California Edison Windhub substation. Additions will be made to the existing SEPV Mohave West Project Substation including a stormwater retention basin, substation roads, aboveground and underground infrastructure related to the electrical collection system, and a 10,000-gallon water tank. Other Project infrastructure is mapped in Figures 3 through 5 and includes photovoltaic (PV) solar generation facilities and solar modules, power collection, collector substation, on-site access roads, site access and security systems, retention basins, and temporary construction facilities. Project activities will be performed over 37 years in two phases including 10-12 months of construction followed by 35 years of Operations and Maintenance (O&M).

Project Access and Construction Schedule

Primary access to the Project site will be from Oak Creek Road and 90th Street West. Additional access will be from 80th Street West, which borders the western portion of the Project site (Figures 1 and 2). Public access is available from Oak Creek Road to the northwest portion of the Project. Project construction is anticipated to last between 10 to 12 months and will primarily occur during daytime hours Monday through Friday.

Construction

Construction of the Project includes the following activities:

Equipment

Construction equipment will include, but is not limited to, bulldozers, scrapers, water trucks, excavators, haul vehicles, graders, paddlewheels, smooth steel drum roller, backhoes, trenchers, compaction equipment, pile drivers, mowers, hand tools, and weed-eaters.

Site Preparation, Access Roads, and Laydown Yards

Site preparation will include vegetation removal (e.g., clearing and grubbing, mowing), earthwork (e.g., grading, leveling, trenching, drilling, pile-driving, soil compaction), dust control, and overall site stabilization which involves installation of temporary sediment and erosion control and wind control fencing. Temporary silt fencing and silt fence outfalls will include posts installed approximately two

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

feet in the ground, and outfalls will include geotextile material and fiber rolls (Figures 3 and 4). All temporary controls will be removed prior to the O&M phase.

Existing trees and shrubs, will be removed from the Project site using clearing and grubbing and mow-and-roll clearance methods. Vegetation removal methods will utilize best practices for dust control, which will include the use of a water truck to moisten soils during vegetation removal and hydroseeding afterward to stabilize soils. Topsoil will be preserved where practically feasible for use in site restoration after construction. Vegetation will be removed from the Project site daily by clearing and grubbing and mow-and-roll clearance methods.

Access roads will be constructed within the solar array area (Figure 3) and one new, approximately one-mile-long, access road connecting the solar array area to the substation (Figure 4) will be constructed. Construction will include grading up to 20-foot-wide new corridors within the solar array area. Access roads will be scarified and recompacted, resulting in an approximately 12-foot-wide driving path. Roadways will be leveled and compacted but where drainage patterns are conveyed across access roads, low water crossing aggregate base roads will be constructed to help prevent erosion.

Laydown yards will be utilized to unload and store equipment and materials, hold temporary offices, and provide temporary staff vehicle parking. One laydown yard will be in the solar array area and another in the trenching area (Figures 3 and 4). A third laydown yard will be in the already disturbed small area just west of the northern part of the trenching area and access road (Figure 4). Temporary Conex storage containers may be utilized within the laydown yards if needed. These will be supported by piles with a gravel base placed on concrete pads. Dimensions will be no more than approximately 20 feet by 8 feet, with a possible concrete pad approximately one foot larger than the container.

PV Solar Area Infrastructure Installation

Solar panels will consist of ground-mounted, single-axis trackers. Facility construction will include installation of PV modules, support piles, module rails, inverters, and buried electrical cable.

Installation will involve pneumatically driving steel foundation piles into the ground to achieve the required structural load-bearing capacity and geotechnical stability. To support foundations across the Project site, approximately 6,500 steel I-beams will be driven into the ground at depths of up to 8 feet with no concrete. I-beams supporting the inverters will be buried at a max depth of 9.5 feet.

Once foundation supports are installed, module rails and panels will be installed, followed by electrical work. Six inverters measuring 8 feet by 18 feet will be installed with pads mounted on skids. Grading within approximately 12 feet will occur with gravel pads surrounding the inverters to protect sensitive electrical equipment. The total disturbance area for installation of each inverter will be approximately 15 feet by 30 feet. Electrical work will include trenching for buried medium voltage

alternating current (MVAC) electrical lines and communication lines. Direct current (DC) electrical lines will be supported by cable trays attached to PV modules.

A 10,000-gallon water (fire) tank will be installed in the solar array (Figure 3). The tank will be installed on a concrete pad measuring 12 feet by 20 feet or on a gravel base measuring approximately the same dimensions. A minimum of 10 feet of defensible space (unvegetated zone to allow for fire personnel) surrounding the water tank will be maintained. Once the solar array infrastructure has been installed, the temporary laydown yard will be removed, and array infrastructure will be constructed in its place, completing construction of the solar array.

Collector Lines in Trenching Area

Trenching will occur along the approximately one-mile access road between the array and the substation to install MVAC cables and fiber optic conduit. The trench will be approximately 18 inches deep and 10 feet wide, except in the area where the DC feeder cable will be installed at the construction entrance shown in Figure 4, which will be no more than 5 feet wide. Energy output from inverter stations in the solar array will be transferred through MVAC power in the underground collector lines to the Project substation (Figure 4).

Project Substation Area

Additions to the SEPV Mojave West substation will include underground and aboveground infrastructure installed for the electrical collection system (Figure 5). New equipment will be installed within a footprint of approximately 89 feet by 159 feet, which will accommodate all required equipment and will consist of components up to 21 feet in height. All underground electric and fiber optic conduit will be installed a minimum of 2.5 feet below grade. Concrete footings and pads will be constructed for the transformer footings and pads. The collector substation will have a grounding grid installed in the footprint and 3 feet beyond the fence line. The entire area will be covered with concrete or aggregate surfacing.

A second 10,000-gallon water (fire) tank will be installed in the substation area (Figure 5). The tank will be installed on a concrete pad measuring 12 feet by 20 feet or on a gravel base measuring approximately the same dimensions. A minimum of 10 feet of defensible space surrounding the water tank will be maintained.

Permanent Security and Temporary Silt Fencing Installation

Permanent chain-link security fencing, approximately six feet in height with 12 inches of barbed wire along the top (seven feet total height), will be installed around the perimeter of the solar array area and the substation. A locking gate will be installed at the road entering the solar array. The perimeter fence around the solar array area will be raised from the ground to accommodate wildlife entering the site following initial construction. Fence installation will include installing metal posts approximately 3–4 feet deep every 10 feet apart.

Post-construction Clean up and Reseeding

All construction equipment, waste, and debris will be removed from the Project site including laydown yards after the initial construction phase and before the O&M phase begins. Temporarily disturbed portions of the Project site including laydown yards from construction work will be revegetated. The Permittee will determine which areas will need reseeded during the construction phase in coordination with a qualified biologist.

Operations and Maintenance

The O&M phase is anticipated to last for 35 years. Facility operations will occur year-round with O&M staff as needed to inspect and maintain Project infrastructure, ensure continued site security, clean up trash, maintain vegetation, and conduct monitoring.

Anticipated maintenance activities include, but are not limited to, inspecting, repairing and replacing solar arrays, inverters, racking equipment, fencing, and other infrastructure as needed; maintaining access roads; and managing vegetation. All maintenance activities described below will be performed within the Project site, including fenced boundary of the array, the access road, and the substation with the exception of operation of inverters, which will primarily be performed from an off-site facility.

Facility Maintenance

If replacement or repair of infrastructure, such as panels or inverters is necessary, heavy equipment and trucks will be used. In the event replacement of panels or underground cables associated with the inverters is needed, a crane will be used, with placement on a nearby access road as feasible. Spot checks of the access roads will occur when O&M staff are on-site. If stormwater damage occurs, O&M staff will re-compact sections of the roads. Most repairs will be made using trucks and side by side utility vehicles to limit disturbance within the Project site.

Vegetation Management and Monitoring

Vegetation will be mowed, trimmed, and/or removed with hand tools as needed. A qualified operator may apply herbicide in limited areas if necessary to treat small localized areas of noxious weeds; vegetation under solar arrays in the PV solar area will be maintained to a height of six inches or less; and weed management will occur on a periodic basis.

V. Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ³
Western burrowing owl (<i>Athene cunicularia hypugaea</i> ; BUOW)	Candidate ⁴

This species and only this species is the “Covered Species” for the purposes of this ITP.

³ Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species.

⁴The species status may change following the decision of the Fish and Game Commission to designate the species as threatened or endangered but if there is such a designation, the species will remain a Covered Species.

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above that are expected to result in incidental take of individuals of the Covered Species include: site preparation (vegetation clearing and grubbing, and mowing), earthwork (grading, cut/fill activities, scraping, ground-leveling, backfilling, hauling, soil compaction, trenching, drilling, pile driving), wiring and transmission line installation/protection (trenching), placement of concrete, access road construction and maintenance (native compact or aggregate base, preparation and installation), fence installation and maintenance, gate installation and maintenance, lighting installation and maintenance, dust control, erosion control, vehicle traffic, heavy equipment traffic, moving materials, on-going vegetation management (grubbing, mowing, weed-eating, herbicide spray), installation and maintenance of Project facilities and equipment, trash and debris removal, maintenance of staging and storage areas for equipment and materials, stockpiling of soils, storage, handling, and disposal of construction materials, panel washing, and other Project-related activities described in the Project Description section of this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as entombment, suffocation, or crushing from burrow collapse during ground disturbing activities and deposition of stockpiled material or spoils; vehicle and equipment strikes due to increased Project-related traffic for site preparation and hauling of materials and spoils resulting of the loss of young, fledglings, or eggs due to abandonment of burrows/nests during grubbing, grading activities or construction that occur in close proximity to burrows/nests during the Covered Species reproductive/nesting season; crushing by equipment and materials; increased predation influenced by Project activities removing refuge; collisions with Project facilities; exposure to predation and subsequent loss of eggs, young, or fledglings due to nest abandonment; and noise and ground vibration that could cause individuals to leave burrows at inappropriate times increasing stress, overheating, and exposure to predation events.

Incidental take of individuals of the Covered Species may also occur from Covered Activities in the form of pursuit, catch, or capture or attempt to do so, by entrapment in trenches, excavations, equipment, facilities and materials as well as displacement and nest abandonment from increased human presence or Covered Activity-related noise/vibrations, relocation of individuals during salvage efforts required by this ITP, and excavation of burrows used for nesting and refuge. Direct impacts to foraging and nesting Covered Species habitat could affect migrating individuals and the fitness of young raised in close proximity to the Project due to reduced or disrupted foraging opportunities that reduce the ability of the parent to acquire food for their dependent young. Ground disturbing activities could result in a temporary reduction of prey species for Covered Species and temporary impacts on nesting success in burrows near the Project.

The areas where authorized take of the Covered Species is expected to occur include the solar arrays, inverters, substation, collector lines, access road system, and all constructed facilities within the security fencing boundary (collectively, the Project Area).

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

The Project is expected to cause permanent impacts to 79.5 acres of habitat for the Covered Species, including creosote bush (*Larrea tridentata*)-white bursage (*Ambrosia dumosa*) scrub and western Joshua tree (*Yucca brevifolia*) woodland. This includes 75.4 acres of development within the fenced solar array areas, 3.4 acres of trenching along a proposed access road, and 0.7 acres within the Project substation area (Figures 2-5).

Incidental take of individuals of the Covered Species in the form of indirect adverse impacts may occur as a result of temporal habitat losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts caused by solar development in the immediate vicinity of the Project. Indirect adverse impacts may also occur as a result of the construction of artificial burrows as required by this ITP, when constructed within occupied high-quality habitat. These impacts include: stress resulting from noise and vibrations from increased vehicle traffic and Covered Activities, artificial lighting, fugitive dust, increased ambient air temperature, entrapment in excavations, entrapment in equipment, entrapment in materials, and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, increased vulnerability to predation, prey reduction, habitat degradation, habitat modification or changes in vegetation that could result in a change in preferred forage, and altered behavior that could interfere with foraging, nesting, and reproduction.

VII. Incidental Take Authorization of Covered Species:

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, their employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from activities outside the scope of the Covered Activities, take of Covered Species outside of the Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species except for capture of Covered Species as authorized by this ITP.

VIII. Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular ingress and egress, staging and parking, and noise and vibration generating activities that may cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, State, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Windhub B Final Environmental Impact Report (EIR) (SCH No.: 2015111057) certified by Kern County Planning and Natural

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

resources Department on December 28, 2018 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

- 3. WJTCA ITP Compliance:** Permittee shall implement and adhere to the terms and conditions related to western Joshua tree in the Windhub B Solar Western Joshua Tree Conservation Act (WJTCA) ITP (No. 1927-ITP-2024-044) originally issued on September 26, 2024, and any amendments to the ITP for the Project pursuant to the WJTCA.
- 4. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

5. General Provisions:

- 5.1. Designated Representative.** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 5.2. Designated Biologist(s) and Designated Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (ATTACHMENT 2) or another format containing the same information before starting Covered Activities. Each request shall clearly indicate the requested role (Designated Biologist, Designated Monitor). The qualifications/resume information shall be limited to verifiable experience specific to the Covered Species and shall include the name and contact information of a reference that can verify the stated experience. Permittee shall review qualifications before submission to ensure that the proposed Designated Biologist(s) and Designated Monitor(s) meet the requirements described below for each designation. Permittee shall also ensure that the proposed Designated Biologist(s) and Designated Monitor(s) have received a copy of the ITP.

Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, surveying, positive identification, construction monitoring of a project covered by an ITP, installation of exclusion techniques, camera monitoring of burrows, burrow excavation, and all other activities permitted for the role as described in this ITP.

Permittee shall ensure that the Designated Monitor(s) are knowledgeable and experienced in the biology and natural history of the Covered species, and with construction monitoring.

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

The Designated Monitor(s) may assist the Designated Biologist(s) in compliance monitoring under the direct supervision of the Designated Biologist(s).

The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.

- 5.3. Designated Biologist(s) and Designated Monitor(s) Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and Designated Monitor(s) shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s) and Designated Monitors(s) in the performance of his/her duties. If the Designated Biologist(s) or Designated Monitor(s) is unable to comply with the ITP, then the Designated Biologist(s) or Designated Monitor(s) shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s) or Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 5.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at

least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.

- 5.5. Construction Monitoring Documentation.** The Designated Biologist(s) and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project Area upon request by CDFW.
- 5.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust repellants, dust palliatives, or soil stabilizers shall not be used on-site during construction or O&M activities without specific prior written approval by CDFW. If dust palliatives are proposed for use within the Project Area, Permittee shall submit a plan that includes, at a minimum, an area map indicating where palliatives will be used, the application frequency, the aquatic and terrestrial toxicity data, and the material safety data sheets to CDFW following the directions provided in the Condition of Approval CDFW Notification and Report Submittal. Permittee shall not apply dust suppressants, surfactants, soil binders or stabilizer products that may be harmful to Covered Species in upland or aquatic environments.
- 5.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials.
- 5.9. Delineation of Property Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in the Project Area and remove and properly dispose of any temporary delineation materials upon completion of activities in the Project Area.

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

- 5.10. Project Access.** Project-related personnel shall access the Project Area using existing routes identified in the Project Description and shall not cross Covered Species' habitat outside of or enroute to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of Project modification.
- 5.11. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in the Condition of Approval Project Access.
- 5.12. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.
- Permittee shall ensure that all fueling, or maintenance of vehicles or equipment shall occur within designated staging areas and shall not occur within the applicable avoidance distances as defined in Condition of Approval BUOW Burrow Avoidance, unless approved in advance and in writing by CDFW.
- 5.13. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.14. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 5.15. Lighting.** All temporary and permanent outdoor lighting shall be aimed at the ground, shielded to prevent light from shining skyward, of minimum wattage necessary for safety and activity, and of motion-sensor type to prevent continuous nighttime lighting.

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

- 5.16. Herbicide Use.** Permittee shall limit herbicide use to treat and control invasive plant species only and shall only apply herbicide after hand or mechanical efforts have been ineffective or as otherwise approved by CDFW. Permittee shall ensure that all application of herbicide is done by a licensed applicator in accordance with all applicable federal, State, and local laws and regulations. Herbicide sprays shall be used only when wind speeds are less than 10 miles per hour, and all sprays shall contain a dye to prevent overspray. If herbicides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW prior to application.
- 5.17. Rodenticides, Pesticides, and Insecticides.** Permittee shall not use rodenticides, pesticides, and/or insecticides on the Project Area without prior written approval from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) or any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) in the Project Area.
- 5.18. Dogs.** Permittee shall prohibit domestic and working dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or federal, State, or local law enforcement officials or when use of working dogs is specifically approved by CDFW in writing.
- 5.19. Firearm Prohibition.** Construction personnel shall not be permitted to bring firearms into the Project Area.
- 5.20. Wildfire Avoidance.** Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding fire hazards to wildlife as part of the Condition of Approval Education Program.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement.** The Designated Representative shall notify CDFW before starting construction phase Covered Activities and O&M phase Covered Activities within the Project Area and shall provide CDFW with documentation of compliance with all pre-Project Conditions of Approval before starting work in either phase.
- 6.2. Notification of Non-compliance.** The Designated Representative or Designated Biologist(s) shall immediately notify CDFW if the Permittees are not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.

- 6.3. Compliance Monitoring.** The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. At least one Designated Biologist shall be on-site daily for the duration of each day that vegetation- and ground-disturbing Covered Activities occur. The Designated Biologist(s) shall be on-site for the duration of any vegetation- or ground-disturbing, non-emergency Covered Activities that are performed at night. Vegetation- and ground-disturbing activities include any action that modifies the existing vegetated surface or ground. Examples include the use of string trimmers, mowing, application of herbicide, trenching, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered a vegetation- or ground-disturbing activity. The Designated Biologist(s) or Designated Monitor(s) shall conduct compliance inspections a minimum of once every 14 days during periods of inactivity during the construction phase only until full build-out is complete. The Designated Biologist(s) and Designated Monitor(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

The Designated Biologist(s) and Designated Monitor(s) shall conduct compliance inspections to:

- (1) minimize incidental take of the Covered Species;
- (2) prevent unlawful take of species;
- (3) check for compliance with all measures of this ITP;
- (4) check all exclusion zones;
- (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area;
- (6) document the Covered Activities that occurred.

- 6.4. CDFW Notification and Report Submittal.** All Notifications and Reports required by this ITP shall be submitted through e-mail or other available document repository/share site to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of this ITP's issuance, the CDFW Regional Representative is Jaime Marquez (Jaime.Marquez@wildlife.ca.gov), Regional Office (RRR.R4@wildlife.ca.gov), and Headquarters CESA Program email is CESA@wildlife.ca.gov. If requested, hard copies may be mailed to the CDFW offices listed in the **Notices** section of this ITP.

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

- 6.5. Quarterly Compliance Report (Construction Phase).** The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in the Condition of Approval Compliance Monitoring into a Quarterly Compliance Report during the construction phase only and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to CDFW per the Condition of Approval CDFW Notification and Report Submittal no later than the 15th day of the month following the reporting period. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittees in writing of the new reporting schedule.
- 6.6. Annual Status Report (Construction Phase and O&M Phase).** Permittee shall provide CDFW with an Annual Status Report during the construction phase and O&M phase no later than January 31 of every year, for the previous calendar year (Reporting Period), beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. The Annual Status Report shall be submitted to CDFW following the directions provided in the Condition of Approval CDFW Notification and Report Submittal. Each Annual Status Report shall include, at a minimum:
- (1) a summary of all Quarterly Compliance Reports for the Reporting Period during the construction phase;
 - (2) a record of the Education Program training sessions provided over the Reporting Period;
 - (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known for the Reporting Period;
 - (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure;
 - (5) a summary of findings from all pre-construction surveys conducted during the Reporting Period, including but not limited to, the number of times a Covered Species or their burrow was encountered, location, if avoidance was achieved, and if not, what measures were implemented;
 - (6) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts;
 - (7) all available information about Project-related incidental take of the Covered Species for the Reporting Period; and

- (8) (Only during the construction phase) a written and mapped accounting of the number of acres subject to disturbance, both for the Reporting Period, and a total since ITP issuance.
- 6.7. Emergency Nightwork.** Permittee shall notify CDFW in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities. A report describing Covered Activities performed at night and related ITP compliance shall be included in the Annual Status Report.
- 6.8. CNDDDB Observations.** The Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation.
- During the construction phase, the Designated Biologist(s) shall include copies of the submitted forms with the next Quarterly Compliance Report or Annual Status Report, whichever is submitted first relative to the observation.
 - During the O&M phase, the Designated Biologist(s) shall include copies of the submitted forms with the next Annual Status Report.
- 6.9. Vegetation Control Plan.** No later than 45 calendar days after completion of all construction phase Covered Activities, Permittee shall submit a Vegetation Control Plan to CDFW for review and written approval. The Vegetation Control Plan shall describe in detail the management strategies for mowing, trimming, and herbicide use in the Project Area. Strategies will target reducing wildfire risk and optimal Covered Species vegetation height and densities to the extent practicable to maximize the potential for any residual habitat value for Covered Species within the Project Area during the O&M phase.
- 6.10. As-Built Development Plans.** No later than 45 calendar days after completion of all construction phase Covered Activities, Permittee shall submit as-built development plans following the directions provided in the Condition of Approval CDFW Notification and Report Submittal. The as-built plan-sheets shall delineate and quantify the extent of permanent Project features, including roads, utilities and all other facilities and features associated with the Project. The as-built plans shall include an estimate of the permanent disturbance during construction by highlighting the estimated disturbance areas on the as-built plan-sheets. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. As-built plans shall be derived from survey data acquired after the Project construction phase has been completed.
- 6.11. Construction Phase Conditions of Approval Evaluation Report.** No later than 45 days after completion of all construction activities for the solar array development area Permittee shall provide CDFW with a construction phase Conditions of Approval Evaluation Report. The Construction Phase Conditions of Approval Evaluation Report shall be submitted to

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

CDFW following the directions provided in the Condition of Approval CDFW Notification and Report Submittal.

The Construction Phase Conditions of Approval Evaluation Report shall include, at a minimum:

- (1) a summary of all Quarterly Compliance Reports and all Annual Status Reports;
- (2) beginning and ending dates of Covered Activities for the construction phase;
- (3) a copy of the table in the MMRP with notes showing when each of the construction phase conditions were implemented and an assessment of the effectiveness of each of the Conditions of Approval associated with the construction of the Project in minimizing and mitigating Project impacts on Covered Species;
- (4) recommendations on how the conditions might be changed to more effectively minimize take and mitigate the impact of future projects on Covered Species; and
- (5) any other pertinent information.

6.12. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Final Mitigation Report shall be submitted to CDFW following the directions provided in the Condition of Approval CDFW Notification and Report Submittal.

The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum:

- (1) a summary of all Annual Status Reports;
- (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented;
- (3) all available information about Project-related incidental take of the Covered Species;
- (4) information about other Project impacts on the Covered Species;
- (5) beginning and ending dates of Covered Activities;
- (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species;

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

- (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and
- (8) any other pertinent information.

6.13. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW within 24 hours of discovery via email to the Regional Office at RRR.R4@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken, injured, summary of next steps that will be taken, and the ITP Number.

Following initial notification, Permittees shall email CDFW a written report within two calendar days following the directions provided in the Condition of Approval CDFW Notification and Report Submittal. This written report shall include, but is not limited to: the date and time of the finding or incident, location of the animal or carcass, available photographs, steps taken after discovery, explanation as to cause of take or injury, and any other pertinent information.

7. Take Minimization Measures: The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. The Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

Construction Phase Covered Activities Take Minimization Measures

- 7.1. Work Hours.** Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary:
- (1) planned and unplanned repairs and replacement, wiring, testing, and commissioning that must occur after dark to ensure PV arrays are not energized;
 - (2) unanticipated emergencies (in accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine repairs requiring immediate attention;
 - (3) security patrols;
 - (4) refueling equipment and staging of materials and equipment; and
 - (5) continuous concrete pours.

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

Permittee shall ensure:

- (1) that any vehicle traffic necessary during nighttime hours associated with these activities are conducted with caution to minimize impacts to Covered Species;
- (2) the speed limit during allowable night work is reduced to 10 mph for non-emergency activities; and
- (3) that CDFW is notified in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities.

7.2. Vehicle Parking. Permittee shall not allow vehicles to park on top of Covered Species burrows, except within designated staging areas for which burrows have been excavated per the Condition of Approval BUOW Burrow Excavation. Vehicles left overnight shall be located outside of the applicable avoidance distances as defined in Condition of Approval BUOW Burrow Avoidance.

7.3. Vehicle Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist may move the Covered Species out of harm's way in compliance with the CDFW-approved BUOW Mortality Reduction Plan.

7.4. Pipe and Materials Inspection. Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of three inches or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist may move Covered Species out of harm's way in compliance with the CDFW-approved BUOW Mortality Reduction Plan.

7.5. Permanent Security Fencing Plan. Permittee shall submit a Permanent Security Fencing Plan for CDFW review and written approval before starting Covered Activities, to the Regional Representative and Regional Office identified in Condition of Approval CDFW Notification and Report Submittal.

The Permanent Security Fencing Plan shall include, but not be limited to the fencing materials, design, installation methods, installation locations, post-construction augmentation plans, and on-going maintenance plans. Permanent security fencing around the solar panel "blocks" and the Project Area as a whole (excluding the O&M building and

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

substation), shall be modified to allow for small animal permeability following the construction phase by leaving a 4 to 6-inch gap from the ground to the bottom of the fence, or other design approved by CDFW. Permittee shall ensure vegetation, debris, and materials do not block fence impacting permeability.

- 7.6. On-Site Drainage Basin Entrapment Prevention.** Permittee shall ensure that final design of the on-site stormwater drainage basins have adequate elements to ensure that Covered Species can escape should one inadvertently enter the basin or elements designed to preclude entry. Permittee shall submit a Basin Design Plan with elements necessary for Covered Species escape and/or entry prevention for review and approval by CDFW prior to implementation of Covered Activities related to basin construction and/or installation.
- 7.7. Covered Species Observations.** All workers shall inform the Designated Biologist(s) if any Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of any Covered Species, which could take or injure the animal, shall cease until the Covered Species moves from the Project Area of its own accord. Alternatively, the Designated Biologist may move Covered Species out of harm's way in compliance with the CDFW-approved BUOW Mortality Reduction Plan.
- 7.8. Covered Species Injury.** If any Covered Species life stage (including eggs/nest abandonment) is found injured within the vicinity of the Project Area, the Designated Biologist(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility, or handle in accordance with the CDFW-approved BUOW Mortality Reduction Plan. Permittee shall identify the facility before starting Covered Activities and include the facility contact information in the BUOW Mortality Reduction Plan. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by e-mail followed by a written incident report as described in Condition of Approval Notification of Take of Injury. If a Covered Species is found deceased, the Designated Biologist(s) shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted or follow any approved storage or transport methods as approved in the BUOW Mortality Reduction Plan as applicable.
- 7.9. Covered Species Buffer Reduction.** The buffers prescribed in the below Condition of Approval BUOW Burrow Avoidance shall not be reduced or otherwise modified without prior written CDFW approval. If the Designated Biologist(s) determines that specific Covered Activities are not likely to affect the Covered Species using known burrows due to the nature of the specific Covered Activities and/or due to objects or topography that might reduce potential noise disturbance and obstruct view of the Covered Activities from the den or burrow, or if additional exclusion methods (e.g., sight barrier strategies, monitoring, etc.) will be performed, then the Designated Biologist(s) may email a written request to CDFW to reduce the buffer distance with documented observational data

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

(Buffer Reduction Request). CDFW will review each Buffer Reduction Request on a case-by-case basis and provide a determination in response to each Buffer Reduction Request in writing. CDFW may request additional and/or ongoing biological monitoring prior to approving a Buffer Reduction Request.

- 7.10. BUOW Mortality Reduction Plan.** Permittee shall submit a BUOW Mortality Reduction Plan prepared by an approved Designated Biologist to CDFW for written approval before starting Covered Activities. Burrow exclusion and burrow excavation shall not proceed until this plan has been approved in writing by CDFW. The BUOW Mortality Reduction Plan shall include, but not be limited to: detailed description of survey methodology; detailed burrow exclusion and excavation methods; proposed Covered Activities that may be performed within BUOW avoidance buffers; identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BUOW or care for at-risk BUOW, BUOW eggs, and/or BUOW chicks; and procedure for collection and storage of BUOW carcasses. Only CDFW-approved Designated Biologists, or personnel following directions from and under the supervision of the Designated Biologist(s), are authorized to handle and transport injured BUOW for treatment or impacted BUOW eggs for salvage. All other BUOW handling is prohibited.

Once the BUOW Mortality Reduction Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittees to discuss needed updates. Any proposed changes to the BUOW Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications.

- 7.11. BUOW Artificial Burrow Replacement Plan.** Permittee shall replace each known BUOW burrow (as defined in the Condition of Approval BUOW Burrow Avoidance) that cannot be avoided within the Project Area with an artificial burrow to compensate for the loss of important shelter used by BUOW for protection, reproduction, and escape from predators. Permittee shall submit a BUOW Artificial Burrow Replacement Plan prepared by an approved Designated Biologist to CDFW no more than 120 calendar days after starting Covered Activities. The BUOW Burrow Replacement Plan shall include, but not be limited to: a discussion and map of potential artificial burrow replacement locations; description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances); artificial burrow installation methods; long-term artificial burrow maintenance methods; and timing of BUOW burrow installation/construction.

Once the BUOW Artificial Burrow Replacement Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the BUOW

Artificial Burrow Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to the implementation of any proposed modifications.

- 7.12. BUOW Pre-Construction Surveys and Reporting.** The Designated Biologist(s) shall conduct surveys of all subterranean holes three inches or larger to identify BUOW burrows and flag and map all, known, and/or nesting BUOW burrows (as defined in the Condition of Approval BUOW Burrow Avoidance) within 30 calendar days prior to beginning Covered Activities in the Project Area or discreet Work Area(s). Surveys shall include the Project Area or discreet Work Area and 500 feet (where feasible) beyond the limits of the Project Area (or discreet Work Area(s)), unless otherwise approved in advance in writing by CDFW. If the Designated Biologist(s) identifies any known or nesting BUOW burrows, the burrow(s) shall be monitored following the Conditions of Approval BUOW Burrow Blockage and BUOW Burrow Excavation, unless avoided per the Condition of Approval BUOW Burrow Avoidance. Permittee shall provide the preconstruction survey results with a Burrow Map (see Condition of Approval Burrow Map) in a written report to CDFW's Regional Representative prior to starting BUOW Exclusion Activities in the Project Area or in each discreet Work Area(s). The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (known, or nesting).
- 7.13. Burrow Map.** The Designated Biologist shall provide a KMZ map to CDFW of all known and/or nesting BUOW burrows found during the surveys performed per the Condition of Approval BUOW Pre-Construction Surveys and Reporting. The map shall show details and locations of all BUOW sightings and known and nesting BUOW burrows as defined in the Condition of Approval BUOW Burrow Avoidance. The map shall include an outline of the Project Area and any discreet Work Area(s), title, north arrow, scale bar, and legend.
- 7.14. BUOW Burrow Avoidance.** The Permittee shall establish no-disturbance buffer zones around known and nesting BUOW burrows according to the following guidelines:
- If a known BUOW burrow (a burrow that shows evidence the burrow is being used, known to have been used, or past use by a BUOW) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) showing signs of occupancy (e.g. BUOW presence, whitewash, pellets, prey remains, etc.) is discovered, the Permittees shall establish a minimum no-disturbance buffer of at least 100 feet around the burrow. A no-disturbance buffer of at least 1,600 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (typically February 1 to August 31 in this area).
 - If a nesting BUOW burrow (e.g. known BUOW burrow indications of the presence of an adult pair, mating behaviors, eggs, chicks, dependent young, and/or brooding or egg incubation) is discovered within or immediately adjacent to the Project Area, the Permittee shall notify CDFW's Regional Representative immediately via e-

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

mail. A no-disturbance buffer of at least 1,600 feet shall be established around the nest burrow. A no-disturbance buffer of at least 1,600 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (February 1 to August 31).

If BUOW burrows cannot be avoided as described above, then the Permittees shall follow Conditions of Approval Covered Species Buffer Reduction, BUOW Burrow Blockage, BUOW Burrow Excavation, and BUOW Mortality Reduction Plan Conditions of Approval as appropriate. If BUOW are visibly stressed by the Covered Activities or workers in the vicinity after these reduced no-disturbance buffers are established, all work in the vicinity shall immediately cease and larger no-disturbance buffers will be determined by the Designated Biologist(s) based on their behavioral observations of the affected BUOW.

- 7.15. BUOW Burrow Blockage.** Where CDFW has approved a full buffer reduction, the Permittee may block rather than destroy any known BUOW burrow located within the buffer distances prescribed by the Condition of Approval BUOW Burrow Avoidance, but outside the discrete Work Area(s) within the Project Area where ground- and vegetation-disturbing Covered Activities will be performed. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) has conducted four consecutive 24-hour periods of monitoring with wildlife cameras and determined that BUOW is not currently present. The camera types used for camera monitoring should be chosen at the discretion of the approved BUOW Designated Biologist and shall have daytime and nighttime recording/photo-capture capabilities. Nesting BUOW burrows shall not be blocked until the chicks and adults have vacated the burrow and only after biological and wildlife camera monitoring confirm that the chicks have fledged, and are no longer dependent on the nest, and then only after written concurrence from CDFW. Burrow blockage shall be done in a manner that prevents burrowing animals from digging back into the burrow. All blocked burrows shall be monitored by the Designated Biologist(s) or Designated Monitor(s) at least once every 48 hours to ensure that the exclusion material is still intact. If BUOW regain access to the burrow, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked burrows shall be unblocked within 48 hours of completion of Construction Covered Activities within the prescribed buffer distance.
- 7.16. BUOW Burrow Excavation.** The Designated Biologist, or Designated Monitor under direct supervision of the Designated Biologist, shall excavate known burrows that exhibit signs of current or past BUOW use or characteristics suggestive of a BUOW burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per the Conditions of Approval BUOW Burrow Avoidance and Covered Species Buffer Reduction and that are within the Project Area or discrete Work Area(s). Burrows to be destroyed shall be fully excavated, filled with dirt, and compacted to ensure that BUOW cannot reenter or use the burrow during the period that Covered Activities occur in the

Project Area or discreet Work Area(s). If an individual BUOW does not vacate a burrow within a reasonable timeframe, Permittees shall consult with CDFW for written guidance before proceeding with burrow excavation. An established BUOW burrow no-disturbance buffer may be removed once the burrow is collapsed and BUOW are no longer using the burrow.

- Excavation of known BUOW burrows shall only occur after the Designated Biologist has determined that BUOW is not currently present after four consecutive 24-hour periods of wildlife camera monitoring. The camera types used for camera monitoring should be chosen at the discretion of the approved BUOW Designated Biologist(s) and shall have daytime and nighttime recording/photo-capture capabilities. If the excavation process reveals evidence of current use by BUOW, then burrow excavation shall cease immediately, and camera monitoring as described above shall be conducted/resumed. BUOW burrows shall be carefully excavated with hand tools, or by mechanical means if a specific methodology is approved in writing by CDFW, until it is clear no individuals of BUOW are inside.
- BUOW burrows used for nesting shall not be excavated until biological and camera monitoring confirm that the chicks have fledged and are no longer dependent on the nest and/or the parents and then only after written concurrence from CDFW.

O&M Phase Covered Activities Take Minimization Measures

- 7.17. O&M Covered Activities Requirement.** Permittee shall implement all Conditions of Approval General Provisions and Monitoring, Notification and Reporting Provisions of this ITP for all O&M Covered Activities as applicable.
- 7.18. O&M Covered Activities Designated Biologist(s) or Designated Monitor(s) On-site.** The CDFW-approved Designated Biologist(s) or Designated Monitor(s) shall be on-site during all ground- and vegetation-disturbing activities.
- 7.19. O&M Covered Activities Work Hours.** Permittee shall confine any O&M Covered Activities to daylight hours (sunrise to sunset) with the exception of any O&M or replacement work that must occur after dark to ensure PV arrays are not energized, emergency response activities (e.g. catastrophic failures, security issues, etc.), or BUOW take minimization measures as applicable. Permittee shall ensure that all vehicle traffic necessary during nighttime Covered Activities be conducted at speeds of less than 10 mph to minimize impacts to Covered Species.
- 7.20. O&M Covered Activities Vehicle Parking.** During all O&M Covered Activities Permittee shall not allow vehicles to park on top of potential Covered Species burrows. Vehicles left

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

overnight shall be located the applicable avoidance distances as defined in Condition of Approval BUOW Burrow Avoidance.

- 7.21. O&M Phase Vehicle and Equipment Inspection.** During the O&M phase, workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist shall be contacted to determine if the individual can be safely moved under the Conditions of Approval of this ITP.
- 7.22. O&M Phase Permanent Security Fence Inspection.** During the O&M phase, workers shall inspect the Permanent Security Fence monthly to ensure vegetation, debris, or other materials are not blocking the functional permeability of the fence and will maintain the fence in accordance with the Permanent Security Fencing Plan.
- 7.23. O&M Covered Activities Pipes and Materials Inspection.** Permittee shall ensure that all pipes or similar materials stockpiled or replaced in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes or similar materials or structures open where Covered Species may enter them and become trapped. Workers shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such material does not vacate on its own volition within a reasonable timeframe, Permittee shall contact CDFW to obtain written concurrence via email before proceeding with eviction of the Covered Species.
- 7.24. O&M Covered Activities BUOW Observations.** During all O&M Covered Activities within the Project Area, all workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease immediately until the Covered Species moves from the Project Area of its own accord. If a Covered Species does not vacate on its own volition within a reasonable timeframe, Permittee shall contact CDFW to obtain written concurrence via email before proceeding with eviction of the Covered Species.
- 7.25. O&M Covered Activities BUOW Burrow Avoidance.** Unless otherwise approved in writing by CDFW in accordance with Condition of Approval Covered Species Buffer Reduction, if a known, or nesting BUOW burrow is identified, BUOW burrow avoidance shall occur in accordance with Condition of Approval BUOW Burrow Avoidance prior to conducting ground- or vegetation-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then den blockage or excavation and replacement (if applicable) shall occur in accordance with Conditions of Approval BUOW Burrow Blockage, BUOW

Excavation, BUOW Burrow Mortality Reduction Plan, and BUOW Artificial Burrow Replacement Plan as appropriate.

7.26. O&M Covered Activities BUOW Injury. If a BUOW is injured as a result of conducting O&M Covered Activities, or otherwise found injured in the Project Area, the Designated Biologist shall immediately take the Covered Species to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting O&M Covered Activities if changed from previous approvals. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the BUOW immediately by phone and e-mail followed by a written incident report within two calendar days of the incident as described in the Condition of Approval Notification of Take or Injury. The Designated Biologist shall follow the BUOW Mortality Reduction Plan to either immediately transport injured individuals to a CDFW-approved wildlife rehabilitation center or veterinary facility or follow approved collection and storage procedures for deceased individuals. Permittee shall bear any cost associated with care and recovery of any injured BUOW adults, nestling(s) or egg(s) and hacking (controlled release of captive reared young).

8. Habitat Management Land Acquisition: CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall either purchase 159 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval Covered Species Credits below OR shall provide for both the permanent protection and management of 159 acres of Habitat Management (HM) lands pursuant to Condition of Approval Habitat Management Lands Acquisition and Protection below and the calculation and deposit of the management funds pursuant to Condition of Approval Endowment Fund below. Purchase of Covered Species credits or permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 24 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval Security below for all uncompleted obligations. Alternatively, CDFW has conceptually approved the use of an 84.6-acre site immediately adjacent to the Project Area, owned by California State Land Commission (CSLC) (Assessor's Parcel Number 237-055-13-00-4) and identified as "Joshua Tree Preservation/Enhancement Area" on Figures 2 and 3, to be used to meet the Habitat Management Lands (HM lands) requirement. The overall CSLC parcel is 160 acres and 75.4 acres of that will be developed with solar panels as part of this Project. The option for a reduced HM lands acreage is only applicable to this specific CSLC parcel, which due to its proximity to the

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

impact area, high has high ecological value, and better habitat quality as compared to the impact area.

8.1. Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows:

- 8.1.1. Land acquisition costs for HM lands identified in Condition of Approval Habitat Management Lands Acquisition and Protection below, estimated at \$2,238/acre for 159 acres: **\$355,842**. Land acquisition costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;
- 8.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Condition of Approval Conservation Easement below: **\$441,100**;
- 8.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval Start-up Activities below, estimated at **\$274,143**;
- 8.1.4. Interim management period funding as described in Condition of Approval Interim Management (Initial and Capital) below, estimated at **\$328,057**;
- 8.1.5. Long-term management funding as described in Condition of Approval Endowment Fund below, estimated at \$10,949.88/acre for 159 acres: **\$1,663,943**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 8.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval Reimburse CDFW, estimated at **\$13,600**.
- 8.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work **\$45,479**.

8.2. Covered Species Credits. If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 159 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 24 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval Security below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 24 months from issuance of this ITP if Security is provided.

8.3. Habitat Management Lands Acquisition and Protection. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall:

8.3.1. Fee Title. Designate an entity for CDFW authorization to hold title to and manage the property and provide documentation to ensure the entity meets the requirements of Government Code sections 65965-65968, as amended. CDFW, in its sole discretion, may authorize a governmental entity, special district, nonprofit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended;

8.3.2. Conservation Easement. Designate an entity approved in writing by CDFW to act as grantee for a conservation easement over the HM lands and provide documentation ensuring the proposed entity meets the requirements of Civil Code section 815.3. CDFW shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. CDFW shall be expressly named in the conservation easement as a third-party beneficiary;

The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the “doctrine of merger” could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement;

8.3.3. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same.

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

The interim and/or long-term land managers may be the landowner or another party. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion;

- 8.3.4. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;
- 8.3.5. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=233169&inline>). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 8.3.6. Management Plan. Submit for CDFW approval a long-term management plan (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline>) prior to acquisition and/or transfer of the HM lands. This document shall identify the CDFW approved interim and long-term Land Managers and Conservation Easement grantee, the responsibilities for each party, and procedure for transfer of these responsibilities to ensure that the lands are managed in perpetuity for the benefit of the Covered Species;
- 8.3.7. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (2) establishing initial fencing; (3) conducting litter removal; and (4) installing signage;
- 8.3.8. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes

expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management; and

Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

- 8.4. Endowment Fund.** If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment. The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval Management Plan. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.

- 8.4.1. Identify an Endowment Manager.** The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended.

Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is

a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e).

Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).

8.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.

- Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.
- Endowment Buffers/Assumptions. Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:
- 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.
- Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.

- Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.

8.4.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.

8.4.4. Management of the Endowment. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.

Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.

8.5. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

9. **Security:** The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete all activities required by Condition of Approval Habitat Management Lands Acquisition and Protection. Permittee shall provide Security as follows:

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

- 9.1. Security Amount. The Security shall be in the amount of **\$3,122,164**. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval Cost Estimates above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.
- 9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 9.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin.
- 9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal. Permittee shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 9.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 9.7. Security Release. The Security shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

Credit Purchase

- Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits; and
- Timely submission of all required reports.

Habitat Management Land Acquisition (HMLA)

- Written documentation of the acquisition of the HM lands;
- Copies of all executed and recorded conservation easements;
- Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
- Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 24 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully

mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

IX. Amendment:

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

X. Stop-Work Order:

If CDFW determines the Permittee has violated any term or condition of this ITP or has engaged in unlawful take, CDFW may issue Permittee a written stop-work order instructing the Permittee to suspend any Covered Activity for an initial period of up to 30 days or risk suspension or revocation of this ITP. CDFW can issue a stop-work order to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species, regardless of whether that species is a Covered Species under this ITP. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 30 additional days.

If Permittee fails to remedy the violation or to comply with a stop-work order, CDFW may proceed with suspension and revocation of this ITP. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

XI. Compliance with Other Laws:

This ITP sets forth CDFW's requirements for the Permittee to implement the Project pursuant to CESA. This ITP does not necessarily create an entitlement to proceed with the Project. Permittee is responsible for complying with all other applicable federal, State, and local law.

XII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2025-013-04) in a cover letter and on any other associated documents.

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone: (559) 243-4005
RRR.R4@wildlife.ca.gov

and a copy to:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
Post Office Box 944209
Sacramento, California 94244-2090
CESA@wildlife.ca.gov

Unless Permittee is notified otherwise, CDFW's Regional Representative for purposes of addressing issues that arise during implementation of this ITP is:

Jaime Marquez
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone: (559) 580-3200
Jaime.Marquez@wildlife.ca.gov

XIII. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Kern County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Windhub Solar Project FEIR, (SCH No.: 2015111057) dated December 2018 that the Kern County certified for Windhub Solar B on December 28, 2018. At the time the lead agency certified the EIR and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's EIR for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant

Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

XIV. Findings Pursuant to CESA:

These findings are intended to document CDFW's compliance with the specific findings requirements set forth in CESA and related regulations. (Fish & G. Code § 2081, subs. (b)-(c); Cal. Code Regs., tit. 14, §§ 783.4, subds, (a)-(b), 783.5, subd. (c)(2).)

CDFW finds based on substantial evidence in the ITP application, Windhub Solar Project Final EIR, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection for the Covered Species; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly and Annual Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 159 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, or a conceptually approved specific 84.6-acre site immediately adjacent to the Project Area, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;

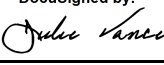
Incidental Take Permit
No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

XV. Attachments:

FIGURE 1	Project Vicinity
FIGURE 2	Project Boundary and Impact Area
FIGURE 3	PV Solar Area Infrastructure and Layout
FIGURE 4	Trenching Area and Access Road Infrastructure and Layout
FIGURE 5	Substation Infrastructure and Layout
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 9/11/2025

DocuSigned by:

 FA83F09FE08945A...
 Julie A. Vance,
 Regional Manager
 Central Region

Incidental Take Permit
 No. 2081-2025-013-04
WINDHUB SOLAR B, LLC
WINDHUB SOLAR B PROJECT

FIGURE 1
Project Vicinity Map

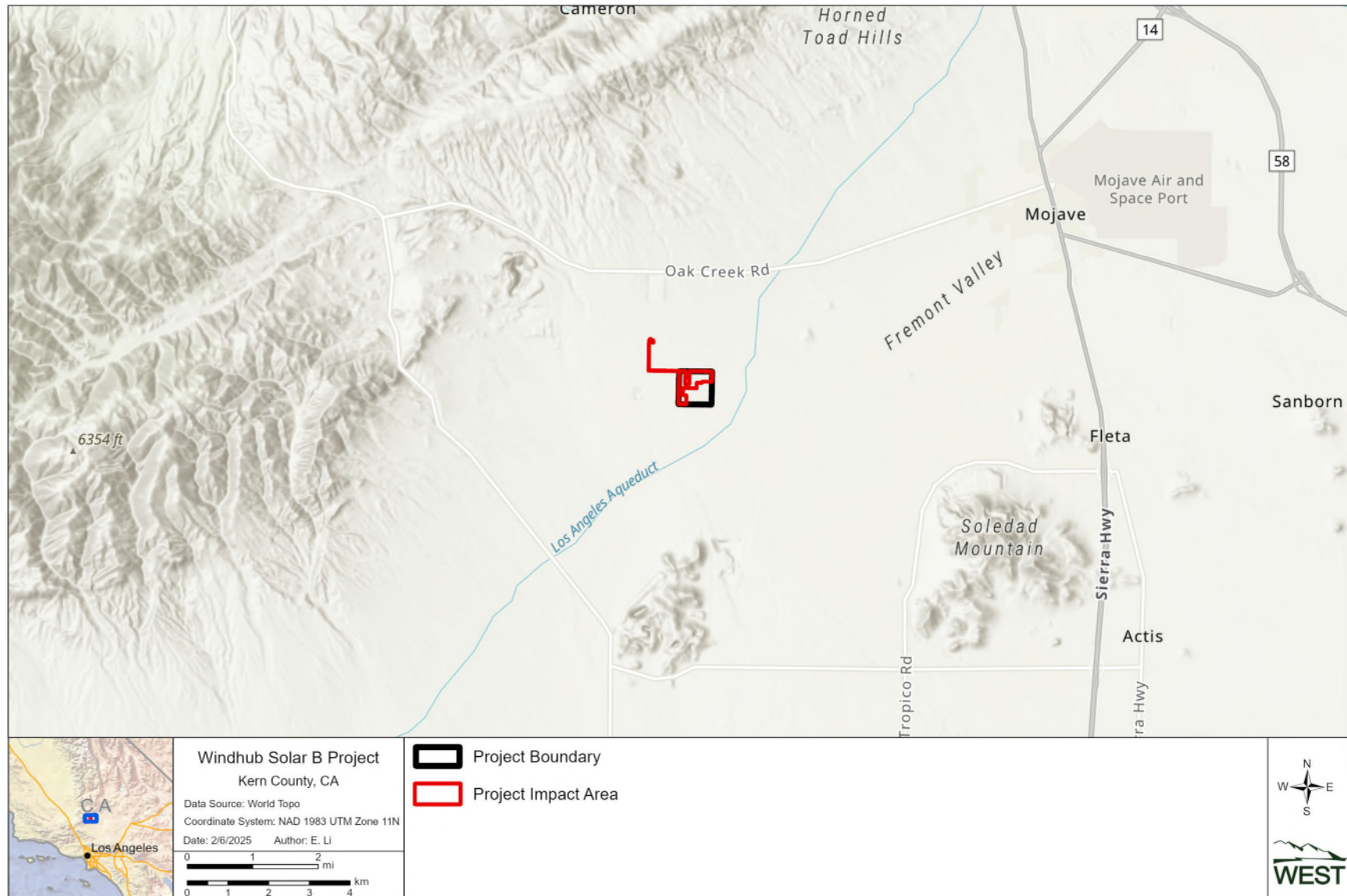


Figure 1. Regional Location of the Windhub Solar B Project in Kern County, California.

FIGURE 2
Project Boundary and Impact Area

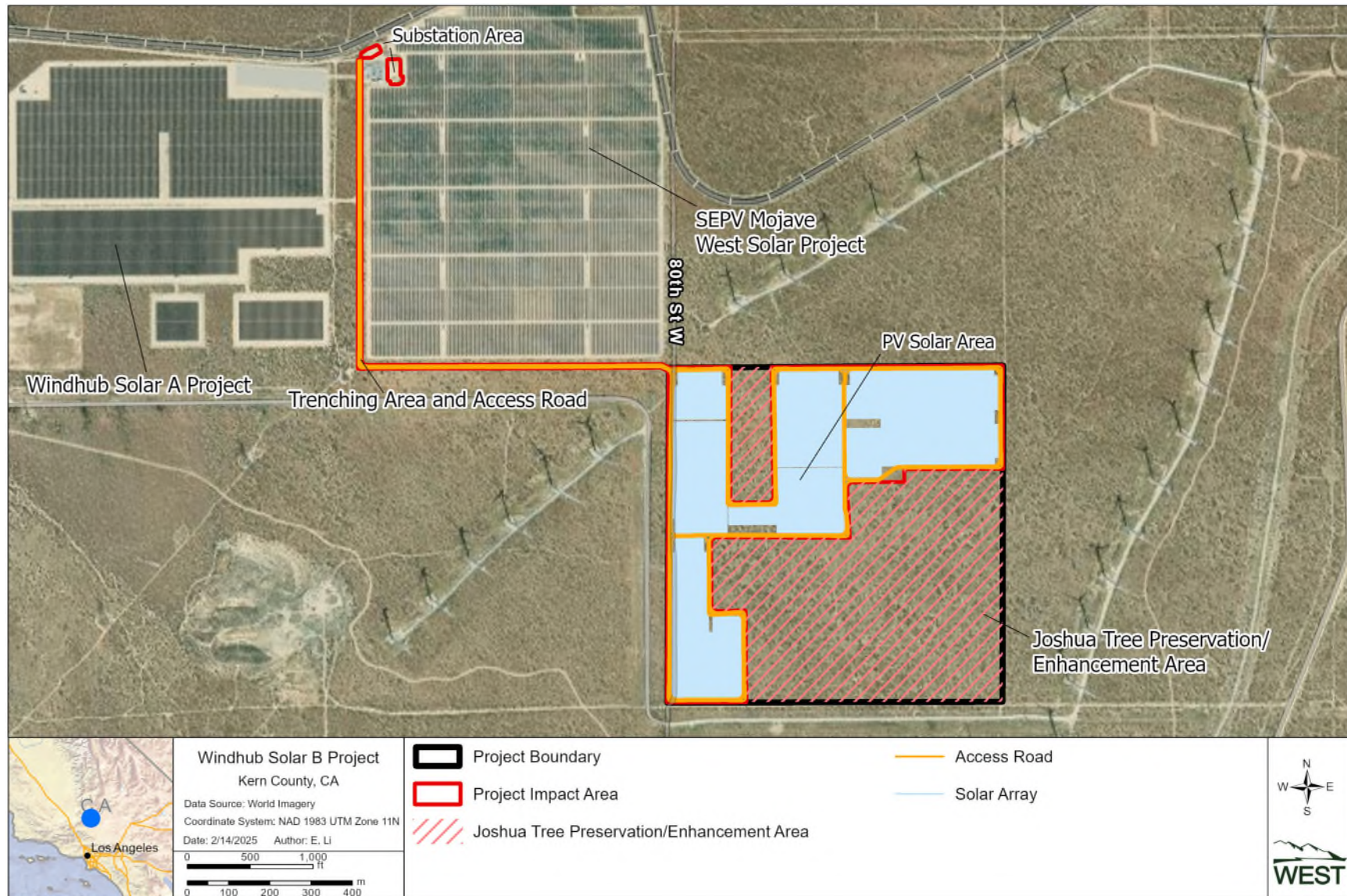


Figure 2. Project Boundary and Impact Area for the Windhub Solar B Project, Kern County, California.

FIGURE 3

PV Solar Area Infrastructure and Layout

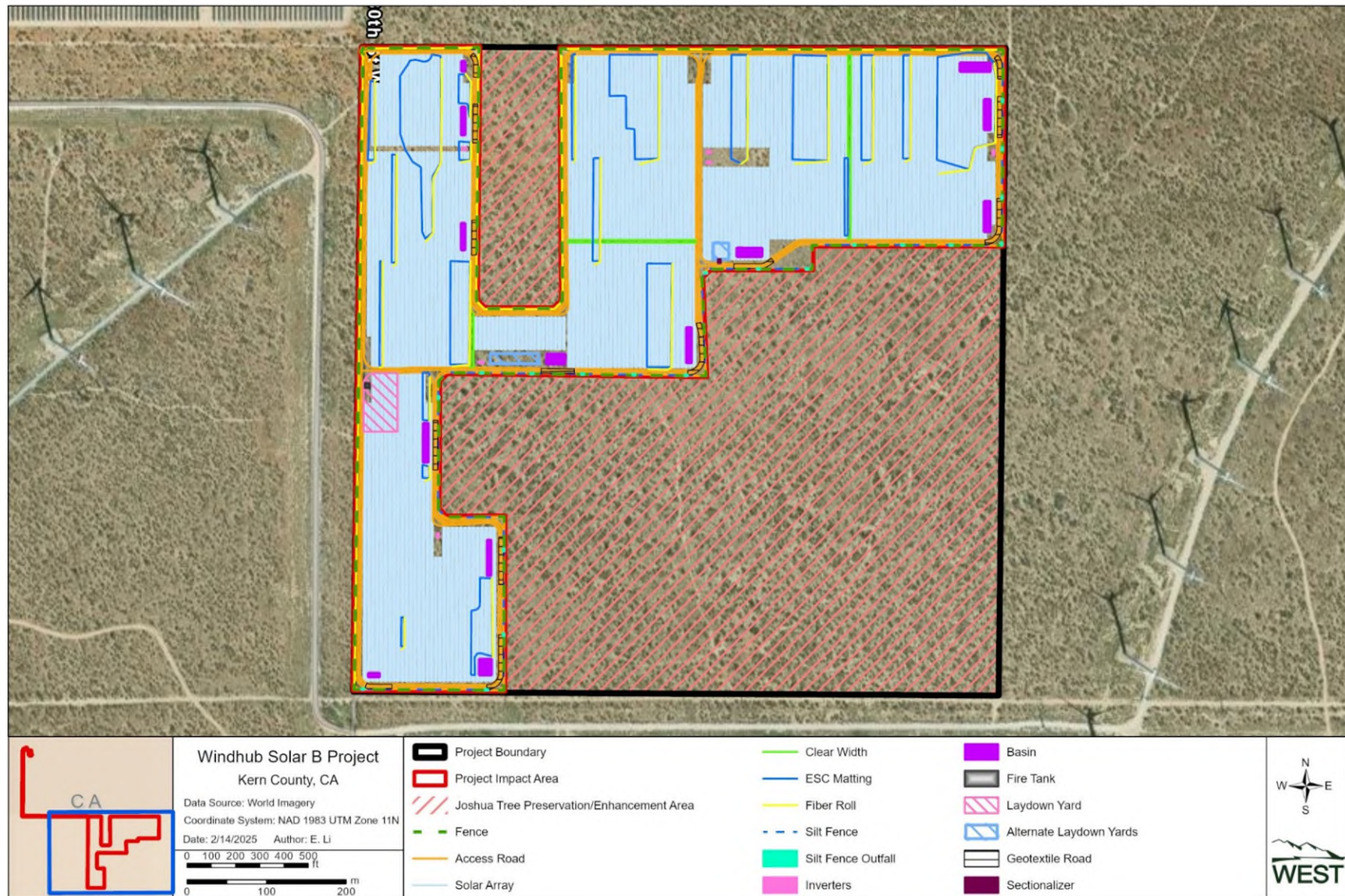


Figure 3. PV Solar Area Infrastructure and Layout for the Windhub Solar B Project, Kern County, California.

FIGURE 4

Trenching Area and Access Road Infrastructure and Layout

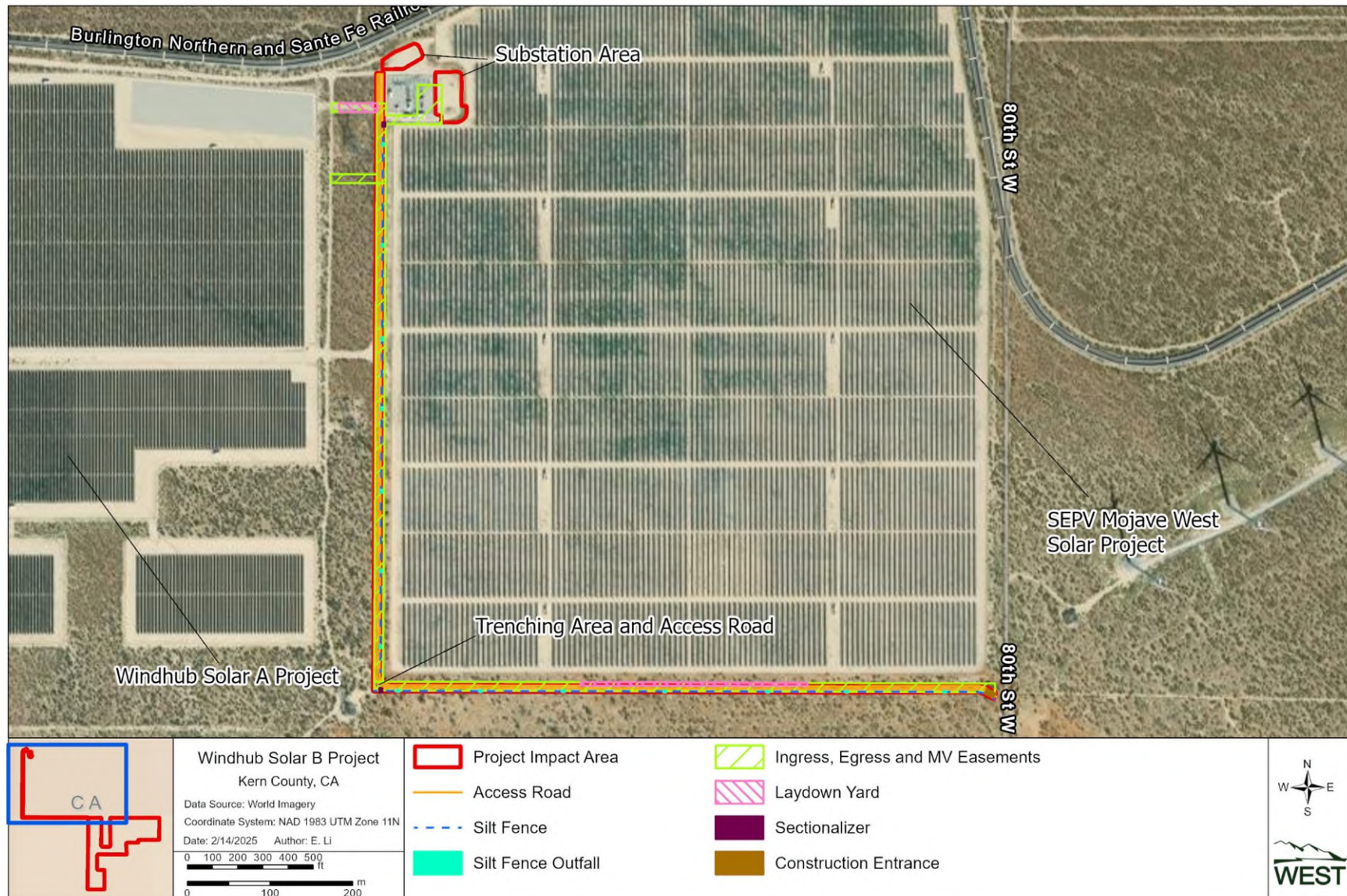


Figure 4. Trenching Area and Access Road Infrastructure and Layout for the Windhub Solar B Project, Kern County, California.

FIGURE 5
Substation Infrastructure and Layout

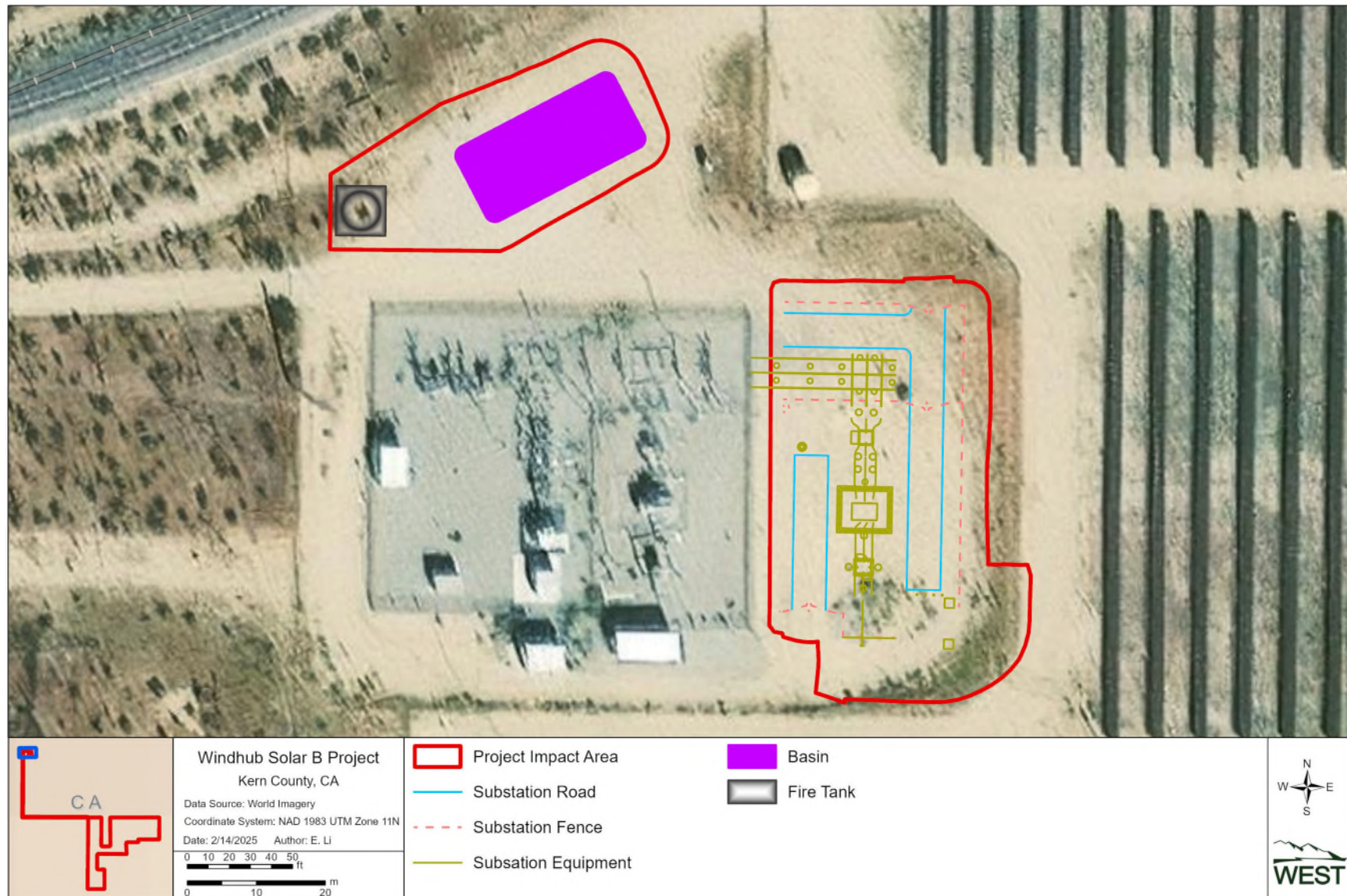


Figure 5. Substation Infrastructure and Layout for the Windhub Solar B Project, Kern County, California.

ATTACHMENT 1

Mitigation Monitoring and Reporting Program

Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
CALIFORNIA ENDANGERED SPECIES ACT**

INCIDENTAL TAKE PERMIT NO. 2081-2025-013-04

PERMITTEE: Windhub Solar B, LLC

PROJECT: Windhub Solar B Project

PURPOSE OF THE MMRP

The purpose of this MMRP is to ensure that the impact minimization and mitigation measures required by the Department of Fish and Wildlife (CDFW) for the above-referenced Project are properly implemented, and thereby to ensure compliance with section 2081(b) of the Fish and Game Code and section 21081.6 of the Public Resources Code. A table summarizing the mitigation measures required by CDFW is attached. This table is a tool for use in monitoring and reporting on implementation of mitigation measures, but the descriptions in the table do not supersede the mitigation measures set forth in the California Incidental Take Permit (ITP) and in attachments to the ITP, and the omission of a permit requirement from the attached table does not relieve the Permittee of the obligation to ensure the requirement is performed.

OBLIGATIONS OF PERMITTEE

Mitigation measures must be implemented within the time periods indicated in the table that appears below. Permittee has the primary responsibility for monitoring compliance with all mitigation measures and for reporting to CDFW on the progress in implementing those measures. These monitoring and reporting requirements are set forth in the ITP itself and are summarized at the front of the attached table.

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

CDFW may, at its sole discretion, verify compliance with any mitigation measure or independently assess the effectiveness of any mitigation measure.

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Source, Implementation Schedule, Responsible Party, and Status/Date/Initials. The Mitigation Measure column summarizes the mitigation requirements of the ITP. The Source column identifies the ITP condition that sets forth the mitigation measure. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure. The Status/Date/Initials column shall be completed by the Permittee during preparation of each Status Report and the Final Mitigation Report, and must identify the implementation status of each mitigation measure, the date that status was determined, and the initials of the person determining the status.

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Designated Representative.</u> Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.</p>	ITP Condition # 5.1	Before performing BUOW Exclusion Activities	Permittee	
<p><u>Designated Biologist(s) and Designated Monitor(s).</u> Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information before starting Covered Activities. Each request shall clearly indicate the requested role (Designated Biologist, Designated Monitor). The qualifications/resume information shall be limited to verifiable experience specific to the Covered Species and shall include the name and contact information of a reference that can verify the stated experience. Permittee shall review qualifications before submission to ensure that the proposed Designated Biologist(s) and Designated Monitor(s) meet the requirements described below for each designation. Permittee shall also ensure that the proposed Designated Biologist(s) and Designated Monitor(s) have received a copy of the ITP.</p> <p>Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, surveying, positive identification, construction monitoring of a project covered by an ITP, installation of exclusion techniques, camera monitoring of burrows, burrow excavation, and all other activities permitted for the role as described in this ITP.</p> <p>Permittee shall ensure that the Designated Monitor(s) are knowledgeable and experienced in the biology and natural history of the Covered species, and with construction monitoring. The Designated Monitor(s) may assist the Designated Biologist(s) in compliance monitoring under the direct supervision of the Designated Biologist(s).</p> <p>The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.</p>	ITP Condition # 5.2	Before performing BUOW Exclusion Activities and Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<u>Designated Biologist(s) and Designated Monitor(s) Authority.</u> To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and Designated Monitor(s) shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s) and Designated Monitors(s) in the performance of his/her duties. If the Designated Biologist(s) or Designated Monitor(s) is unable to comply with the ITP, then the Designated Biologist(s) or Designated Monitor(s) shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s) or Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.	ITP Condition # 5.3	Entire Project	CDFW	
<u>Education Program.</u> Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 5.4	Before performing BUOW Exclusion Activities and Entire Project	Permittee	
<u>Construction Monitoring Documentation.</u> The Designated Biologist(s) and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project Area upon request by CDFW.	ITP Condition # 5.5	Entire Project	Permittee	
<u>Trash Abatement.</u> Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 5.6	Before performing BUOW Exclusion Activities and Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust repellants, dust palliatives, or soil stabilizers shall not be used on-site during construction or O&M activities without specific prior written approval by CDFW. If dust palliatives are proposed for use within the Project Area, Permittee shall submit a plan that includes, at a minimum, an area map indicating where palliatives will be used, the application frequency, the aquatic and terrestrial toxicity data, and the material safety data sheets to CDFW following the directions provided in the Condition of Approval <u>CDFW Notification and Report Submittal</u> . Permittee shall not apply dust suppressants, surfactants, soil binders or stabilizer products that may be harmful to Covered Species in upland or aquatic environments.	ITP Condition # 5.7	Before performing BUOW Exclusion Activities and Entire Project	Permittee	
<u>Erosion Control Materials</u> . Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of natural-fiber, biodegradable materials.	ITP Condition # 5.8	Entire Project	Permittee	
<u>Delineation of Property Boundaries</u> . Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in the Project Area and remove and properly dispose of any temporary delineation materials upon completion of activities in the Project Area.	ITP Condition # 5.9	Before performing BUOW Exclusion Activities	Permittee	
<u>Project Access</u> . Project-related personnel shall access the Project Area using existing routes identified in the Project Description and shall not cross Covered Species' habitat outside of or enroute to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of Project modification.	ITP Condition # 5.10	Entire Project	Permittee	
<u>Staging Areas</u> . Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in the Condition of Approval <u>Project Access</u> .	ITP Condition # 5.11	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Hazardous Waste.</u> Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.</p> <p>Permittee shall ensure that all fueling, or maintenance of vehicles or equipment shall occur within designated staging areas and shall not occur within the applicable avoidance distances as defined in Condition of Approval <u>BUOW Burrow Avoidance</u>, unless approved in advance and in writing by CDFW</p>	ITP Condition # 5.12	Entire Project	Permittee	
<p><u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.</p>	ITP Condition # 5.13	Entire Project	Permittee	
<p><u>Refuse Removal.</u> Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.</p>	ITP Condition # 5.14	Post-construction	Permittee	
<p><u>Lighting.</u> All temporary and permanent outdoor lighting shall be aimed at the ground, shielded to prevent light from shining skyward, of minimum wattage necessary for safety and activity, and of motion-sensor type to prevent continuous nighttime lighting.</p>	ITP Condition # 5.15	Entire Project	Permittee	
<p><u>Herbicide Use.</u> Permittee shall limit herbicide use to treat and control invasive plant species only and shall only apply herbicide after hand or mechanical efforts have been ineffective or as otherwise approved by CDFW. Permittee shall ensure that all application of herbicide is done by a licensed applicator in accordance with all applicable federal, State, and local laws and regulations. Herbicide sprays shall be used only when wind speeds are less than 10 miles per hour, and all sprays shall contain a dye to prevent overspray. If herbicides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW prior to application.</p>	ITP Condition # 5.16	Entire Project	Permittee	
<p><u>Rodenticides, Pesticides, and Insecticides.</u> Permittee shall not use rodenticides, pesticides, and/or insecticides on the Project Area without prior written approval from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) or any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) in the Project Area.</p>	ITP Condition # 5.17	Entire Project	Permittee	
<p><u>Dogs.</u> Permittee shall prohibit domestic and working dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or federal, State, or local law enforcement officials or when use of working dogs is specifically approved by CDFW in writing.</p>	ITP Condition # 5.18	Entire Project	Permittee	
<p><u>Firearm Prohibition.</u> Construction personnel shall not be permitted to bring firearms into the Project Area.</p>	ITP Condition # 5.19	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<u>Wildfire Avoidance</u> . Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding fire hazards to wildlife as part of the Condition of Approval <u>Education Program</u> .	ITP Condition # 5.20	Entire Project	Permittee	
<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW before starting construction phase Covered Activities and O&M phase Covered Activities within the Project Area and shall provide CDFW with documentation of compliance with all pre-Project Conditions of Approval before starting work in either phase.	ITP Condition # 6.1	Before performing BUOW Exclusion Activities	Permittee	
<u>Notification of Non-compliance</u> . The Designated Representative or Designated Biologist(s) shall immediately notify CDFW if the Permittees are not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.	ITP Condition # 6.2	Entire Project	Permittee	
<p><u>Compliance Monitoring</u>. The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. At least one Designated Biologist shall be on-site daily for the duration of each day that vegetation- and ground-disturbing Covered Activities occur. The Designated Biologist(s) shall be on-site for the duration of any vegetation- or ground-disturbing, non-emergency Covered Activities that are performed at night. Vegetation- and ground-disturbing activities include any action that modifies the existing vegetated surface or ground. Examples include the use of string trimmers, mowing, application of herbicide, trenching, grading, etc. Operation of vehicles on established roads that have been properly maintained is not considered a vegetation- or ground-disturbing activity. The Designated Biologist(s) or Designated Monitor(s) shall conduct compliance inspections a minimum of once every 14 days during periods of inactivity during the construction phase only until full build-out is complete. The Designated Biologist(s) and Designated Monitor(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.</p> <p>The Designated Biologist(s) and Designated Monitor(s) shall conduct compliance inspections to:</p> <ol style="list-style-type: none"> (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area; (6) document the Covered Activities that occurred. 	ITP Condition # 6.3	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>CDFW Notification and Report Submittal</u>. All Notifications and Reports required by the ITP shall be submitted through e-mail or other available document repository/share site to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of the ITP's issuance, the CDFW Regional Representative is Jaime Marquez (Jaime.Marquez@wildlife.ca.gov), Regional Office (RRR.R4@wildlife.ca.gov), and Headquarters CESA Program email is CESA@wildlife.ca.gov. If requested, hard copies may be mailed to the CDFW offices listed in the Notices section of the ITP.</p>	ITP Condition # 6.4	Entire Project	Permittee	
<p><u>Quarterly Compliance Report (Construction Phase)</u>. The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in the Condition of Approval <u>Compliance Monitoring</u> into a Quarterly Compliance Report during the construction phase only and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to CDFW per the Condition of Approval <u>CDFW Notification and Report Submittal</u> no later than the 15th day of the month following the reporting period. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittees in writing of the new reporting schedule.</p>	ITP Condition # 6.5	Construction Phase	Permittee	
<p><u>Annual Status Report (Construction Phase and O&M Phase)</u>. Permittee shall provide CDFW with an Annual Status Report during the construction phase and O&M phase no later than January 31 of every year, for the previous calendar year (Reporting Period), beginning with issuance of the ITP and continuing until CDFW accepts the <u>Final Mitigation Report</u> identified below. The Annual Status Report shall be submitted to CDFW following the directions provided in the Condition of Approval <u>CDFW Notification and Report Submittal</u>. Each Annual Status Report shall include, at a minimum:</p> <ol style="list-style-type: none"> (1) a summary of all <u>Quarterly Compliance Reports</u> for the Reporting Period during the construction phase ; (2) a record of the <u>Education Program</u> training sessions provided over the Reporting Period; (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known for the Reporting Period; (4) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (5) a summary of findings from all pre-construction surveys conducted during the Reporting Period, including but not limited to, the number of times a Covered Species or their burrow was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (6) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (7) all available information about Project-related incidental take of the Covered Species for the Reporting Period; and (8) (Only during the construction phase) a written and mapped accounting of the number of acres subject to disturbance, both for the Reporting Period, and a total since ITP issuance. 	ITP Condition # 6.6	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<u>Emergency Nightwork</u> . Permittees shall notify CDFW in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities. A report describing Covered Activities performed at night and related ITP compliance shall be included in the <u>Annual Status Report</u> .	ITP Condition # 6.7	Entire Project	Permittee	
<p><u>CNDDDB Observations</u>. The Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation.</p> <ul style="list-style-type: none"> During the construction phase, the Designated Biologist(s) shall include copies of the submitted forms with the next <u>Quarterly Compliance Report</u> or <u>Annual Status Report</u>, whichever is submitted first relative to the observation. During the O&M phase, the Designated Biologist(s) shall include copies of the submitted forms with the next <u>Annual Status Report</u>. 	ITP Condition # 6.8	Entire Project	Permittee	
<u>Vegetation Control Plan</u> . No later than 45 calendar days after completion of all construction phase Covered Activities, Permittee shall submit a Vegetation Control Plan to CDFW for review and written approval. The Vegetation Control Plan shall describe in detail the management strategies for mowing, trimming, and herbicide use in the Project Area. Strategies will target reducing wildfire risk and optimal Covered Species vegetation height and densities to the extent practicable to maximize the potential for any residual habitat value for Covered Species within the Project Area during the O&M phase.	ITP Condition # 6.9	Post-Construction Phase	Permittee	
<u>As-Built Development Plans</u> . No later than 45 calendar days after completion of all construction phase Covered Activities, Permittee shall submit as-built development plans following the directions provided in the Condition of Approval CDFW <u>Notification and Report Submittal</u> . The as-built plan-sheets shall delineate and quantify the extent of permanent Project features, including roads, utilities and all other facilities and features associated with the Project. The as-built plans shall include an estimate of the permanent disturbance during construction by highlighting the estimated disturbance areas on the as-built plan-sheets. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. As-built plans shall be derived from survey data acquired after the Project construction phase has been completed.	ITP Condition # 6.10	Post-Construction Phase	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Construction Phase Conditions of Approval Evaluation Report</u>. No later than 45 days after completion of all construction activities for the solar array development area Permittee shall provide CDFW with a construction phase Conditions of Approval Evaluation Report. The Construction Phase Conditions of Approval Evaluation Report shall be submitted to CDFW following the directions provided in the Condition of Approval CDFW <u>Notification and Report Submittal</u>.</p> <p>The Construction Phase Conditions of Approval Evaluation Report shall include, at a minimum:</p> <ol style="list-style-type: none"> (1) a summary of all Quarterly Compliance Reports and all Annual Status Reports; (2) beginning and ending dates of Covered Activities for the construction phase; (3) a copy of the table in this MMRP with notes showing when each of the construction phase conditions were implemented and an assessment of the effectiveness of each of the Conditions of Approval associated with the construction of the Project in minimizing and mitigating Project impacts on Covered Species; (4) recommendations on how the conditions might be changed to more effectively minimize take and mitigate the impact of future projects on Covered Species; and (5) any other pertinent information. 	ITP Condition # 6.11	Post-Construction Phase and after completion of mitigation	Permittee	
<p><u>Final Mitigation Report</u>. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Final Mitigation Report shall be submitted to CDFW following the directions provided in the Condition of Approval <u>CDFW Notification and Report Submittal</u>.</p> <p>The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum:</p> <ol style="list-style-type: none"> (1) a summary of all Annual Status Reports; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information. 	ITP Condition # 6.12	Post-Operations and Maintenance (O&M) Phase and after completion of mitigation	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW within 24 hours of discovery via email to the Regional Office at RRR.R4@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken, injured, summary of next steps that will be taken, and the ITP Number.</p> <p>Following initial notification, Permittees shall email CDFW a written report within two calendar days following the directions provided in the Condition of Approval <u>CDFW Notification and Report Submittal</u>. This written report shall include, but is not limited to: the date and time of the finding or incident, location of the animal or carcass, available photographs, steps taken after discovery, explanation as to cause of take or injury, and any other pertinent information.</p>	ITP Condition # 6.13	Entire Project	Permittee	
<p><u>Work Hours.</u> Permittee shall conduct all Covered Activities during daylight hours (sunrise to sunset) except for the following activities as necessary:</p> <ol style="list-style-type: none"> (1) planned and unplanned repairs and replacement, wiring, testing, and commissioning that must occur after dark to ensure PV arrays are not energized; (2) unanticipated emergencies (in accordance with Section 21060.3 of the Public Resources Code), including forced outages and non-routine repairs requiring immediate attention; (3) security patrols; (4) refueling equipment and staging of materials and equipment; and (5) continuous concrete pours. <p>Permittee shall ensure:</p> <ol style="list-style-type: none"> (1) that any vehicle traffic necessary during nighttime hours associated with these activities are conducted with caution to minimize impacts to Covered Species; (2) the speed limit during allowable night work is reduced to 10 mph for non emergency activities; and (3) that CDFW is notified in writing as soon as possible and no later than 24 hours after commencement of any emergency nighttime activities. 	ITP Condition # 7.1	Construction Phase	Permittee	
<p><u>Vehicle Parking.</u> Permittee shall not allow vehicles to park on top of Covered Species burrows, except within designated staging areas for which burrows have been excavated per the Condition of Approval <u>BUOW Burrow Excavation</u>. Vehicles left overnight shall be located outside of the applicable avoidance distances as defined in Condition of Approval <u>BUOW Burrow Avoidance</u>.</p>	ITP Condition # 7.2	Construction Phase	Permittee	
<p><u>Vehicle Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist may move the Covered Species out of harm's way in compliance with the CDFW approved <u>BUOW Mortality Reduction Plan</u>.</p>	ITP Condition # 7.3	Construction Phase	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<u>Pipe and Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of three inches or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist may move Covered Species out of harm's way in compliance with the CDFW-approved <u>BUOW Mortality Reduction Plan</u> .	ITP Condition # 7.4	Construction Phase	Permittee	
<u>Permanent Security Fencing Plan.</u> Permittee shall submit a Permanent Security Fencing Plan for CDFW review and written approval before starting Covered Activities, to the Regional Representative and Regional Office identified in Condition of Approval <u>CDFW Notification and Report Submittal</u> . The Permanent Security Fencing Plan shall include, but not be limited to the fencing materials, design, installation methods, installation locations, post-construction augmentation plans, and on-going maintenance plans. Permanent security fencing around the solar panel "blocks" and the Project Area as a whole (excluding the O&M building and substation), shall be modified to allow for small animal permeability following the construction phase by leaving a 4 to 6-inch gap from the ground to the bottom of the fence, or other design approved by CDFW. Permittee shall ensure vegetation, debris, and materials do not block fence impacting permeability.	ITP Condition # 7.5	Construction Phase	Permittee	
<u>On-Site Drainage Basin Entrapment Prevention.</u> Permittee shall ensure that final design of the on-site stormwater drainage basins have adequate elements to ensure that Covered Species can escape should one inadvertently enter the basin or elements designed to preclude entry. Permittee shall submit a Basin Design Plan with elements necessary for Covered Species escape and/or entry prevention for review and approval by CDFW prior to implementation of Covered Activities related to basin construction and/or installation.	ITP Condition # 7.6	Construction Phase	Permittee	
<u>Covered Species Observations.</u> All workers shall inform the Designated Biologist(s) if any Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of any Covered Species, which could take or injure the animal, shall cease until the Covered Species moves from the Project Area of its own accord. Alternatively, the Designated Biologist may move Covered Species out of harm's way in compliance with the CDFW-approved <u>BUOW Mortality Reduction Plan</u> .	ITP Condition # 7.7	Construction Phase	Permittee	
<u>Covered Species Injury.</u> If any Covered Species life stage (including eggs/nest abandonment) is found injured within the vicinity of the Project Area, the Designated Biologist(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility, or handle in accordance with the CDFW-approved <u>BUOW Mortality Reduction Plan</u> . Permittee shall identify the facility before starting Covered Activities and include the facility contact information in the <u>BUOW Mortality Reduction Plan</u> . Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by e-mail followed by a written incident report as described in Condition of Approval <u>Notification of Take of Injury</u> . If a Covered Species is found deceased, the Designated Biologist(s) shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted or follow any approved storage or transport methods as approved in the <u>BUOW Mortality Reduction Plan</u> as applicable.	ITP Condition # 7.8	Construction Phase	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Covered Species Buffer Reduction</u>. The buffers prescribed in the below Condition of Approval <u>BUOW Burrow Avoidance</u> shall not be reduced or otherwise modified without prior written CDFW approval. If the Designated Biologist(s) determines that specific Covered Activities are not likely to affect the Covered Species using known burrows due to the nature of the specific Covered Activities and/or due to objects or topography that might reduce potential noise disturbance and obstruct view of the Covered Activities from the den or burrow, or if additional exclusion methods (e.g., sight barrier strategies, monitoring, etc.) will be performed, then the Designated Biologist(s) may email a written request to CDFW to reduce the buffer distance with documented observational data (Buffer Reduction Request). CDFW will review each Buffer Reduction Request on a case-by-case basis and provide a determination in response to each Buffer Reduction Request in writing. CDFW may request additional and/or ongoing biological monitoring prior to approving a Buffer Reduction Request.</p>	ITP Condition # 7.9	Construction Phase	Permittee	
<p><u>BUOW Mortality Reduction Plan</u>. Permittee shall submit a BUOW Mortality Reduction Plan prepared by an approved Designated Biologist to CDFW for written approval before starting Covered Activities. Burrow exclusion and burrow excavation shall not proceed until this plan has been approved in writing by CDFW. The BUOW Mortality Reduction Plan shall include, but not be limited to: detailed description of survey methodology; detailed burrow exclusion and excavation methods; proposed Covered Activities that may be performed within BUOW avoidance buffers; identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BUOW or care for at-risk BUOW, BUOW eggs, and/or BUOW chicks; and procedure for collection and storage of BUOW carcasses. Only CDFW-approved Designated Biologists, or personnel following directions from and under the supervision of the Designated Biologist(s), are authorized to handle and transport injured BUOW for treatment or impacted BUOW eggs for salvage. All other BUOW handling is prohibited.</p> <p>Once the BUOW Mortality Reduction Plan is approved in writing by CDFW, it shall be used for the duration of the ITP unless updated by CDFW to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittees to discuss needed updates. Any proposed changes to the BUOW Mortality Reduction Plan shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications.</p>	ITP Condition # 7.10	Construction Phase	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>BUOW Artificial Burrow Replacement Plan</u>. Permittee shall replace each known BUOW burrow (as defined in the Condition of Approval <u>BUOW Burrow Avoidance</u>) that cannot be avoided within the Project Area with an artificial burrow to compensate for the loss of important shelter used by BUOW for protection, reproduction, and escape from predators. Permittee shall submit a BUOW Artificial Burrow Replacement Plan prepared by an approved Designated Biologist to CDFW no more than 120 calendar days after starting Covered Activities. The BUOW Burrow Replacement Plan shall include, but not be limited to: a discussion and map of potential artificial burrow replacement locations; description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances); artificial burrow installation methods; long-term artificial burrow maintenance methods; and timing of BUOW burrow installation/construction.</p> <p>Once the BUOW Artificial Burrow Replacement Plan is approved in writing by CDFW, it shall be used for the duration of the ITP unless updated by CDFW to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the BUOW Artificial Burrow Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to the implementation of any proposed modifications.</p>	ITP Condition # 7.11	Construction Phase	Permittee	
<p><u>BUOW Pre-Construction Surveys and Reporting</u>. The Designated Biologist(s) shall conduct surveys of all subterranean holes three inches or larger to identify BUOW burrows and flag and map all, known, and/or nesting BUOW burrows (as defined in the Condition of Approval <u>BUOW Burrow Avoidance</u>) within 30 calendar days prior to beginning Covered Activities in the Project Area or discreet Work Area(s). Surveys shall include the Project Area or discreet Work Area and 500 feet (where feasible) beyond the limits of the Project Area (or discreet Work Area(s)), unless otherwise approved in advance in writing by CDFW. If the Designated Biologist(s) identifies any known, or nesting BUOW burrows, the burrow(s) shall be monitored following the Conditions of Approval <u>BUOW Burrow Blockage</u> and <u>BUOW Burrow Excavation</u>, unless avoided per the Condition of Approval <u>BUOW Burrow Avoidance</u>. Permittee shall provide the preconstruction survey results with a Burrow Map (see Condition of Approval <u>Burrow Map</u>) in a written report to CDFW's Regional Representative prior to starting BUOW Exclusion Activities in the Project Area or in each discreet Work Area(s). The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (known, or nesting).</p>	ITP Condition # 7.12	Construction Phase	Permittee	
<p><u>Burrow Map</u>. The Designated Biologist shall provide a KMZ map to CDFW of all known and/or nesting BUOW burrows found during the surveys performed per the Condition of Approval <u>BUOW Pre-Construction Surveys and Reporting</u>. The map shall show details and locations of all BUOW sightings and known and nesting BUOW burrows as defined in the Condition of Approval <u>BUOW Burrow Avoidance</u>. The map shall include an outline of the Project Area and any discreet Work Area(s), title, north arrow, scale bar, and legend.</p>	ITP Condition # 7.13	Construction Phase	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p>BUOW Burrow Avoidance. The Permittee shall establish no-disturbance buffer zones around known and nesting BUOW burrows according to the following guidelines:</p> <ul style="list-style-type: none"> • If a known BUOW burrow (a burrow that shows evidence the burrow is being used, known to have been used, or past use by a BUOW) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) showing signs of occupancy (e.g. BUOW presence, whitewash, pellets, prey remains, etc.) is discovered, the Permittees shall establish a minimum no-disturbance buffer of at least 100 feet around the burrow. A no-disturbance buffer of at least 1,600 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (typically February 1 to August 31 in this area). • If a nesting BUOW burrow (e.g. known BUOW burrow indications of the presence of an adult pair, mating behaviors, eggs, chicks, dependent young, and/or brooding or egg incubation) is discovered within or immediately adjacent to the Project Area, the Permittee shall notify CDFW's Regional Representative immediately via e-mail. A no-disturbance buffer of at least 1,600 feet shall be established around the nest burrow. A no-disturbance buffer of at least 1,600 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (February 1 to August 31). <p>If BUOW burrows cannot be avoided as described above, then the Permittees shall follow Conditions of Approval <u>Covered Species Buffer Reduction</u>, <u>BUOW Burrow Blockage</u>, <u>BUOW Burrow Excavation</u>, and <u>BUOW Mortality Reduction Plan</u> Conditions of Approval as appropriate. If BUOW are visibly stressed by the Covered Activities or workers in the vicinity after these reduced no-disturbance buffers are established, all work in the vicinity shall immediately cease and larger no-disturbance buffers will be determined by the Designated Biologist(s) based on their behavioral observations of the affected BUOW.</p>	ITP Condition # 7.14	Construction Phase	Permittee	
<p>BUOW Burrow Blockage. Where CDFW has approved a buffer reduction, the Permittee may block rather than destroy any known BUOW burrow located within the buffer distances prescribed by the Condition of Approval <u>BUOW Burrow Avoidance</u>, but outside the discrete Work Area(s) within the Project Area where ground- and vegetation-disturbing Covered Activities will be performed. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the Designated Biologist(s) has conducted four consecutive 24-hour periods of monitoring with wildlife cameras and determined that BUOW is not currently present. The camera types used for camera monitoring should be chosen at the discretion of the approved BUOW Designated Biologist and shall have daytime and nighttime recording/photo-capture capabilities. Nesting BUOW burrows shall not be blocked until the chicks and adults have vacated the burrow and only after biological and wildlife camera monitoring confirm that the chicks have fledged, and are no longer dependent on the nest, and then only after written concurrence from CDFW. Burrow blockage shall be done in a manner that prevents burrowing animals from digging back into the burrow. All blocked burrows shall be monitored by the Designated Biologist(s) or Designated Monitor(s) at least once every 48 hours to ensure that the exclusion material is still intact. If BUOW regain access to the burrow, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked burrows shall be unblocked within 48 hours of completion of Construction Covered Activities within the prescribed buffer distance.</p>	ITP Condition # 7.15	Construction Phase	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>BUOW Burrow Excavation.</u> The Designated Biologist, or Designated Monitor under direct supervision of the Designated Biologist, shall excavate known burrows that exhibit signs of current or past BUOW use or characteristics suggestive of a BUOW burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per the Conditions of Approval <u>BUOW Burrow Avoidance</u> and <u>Covered Species Buffer Reduction</u> and that are within the Project Area or discreet Work Area(s). Burrows to be destroyed shall be fully excavated, filled with dirt, and compacted to ensure that BUOW cannot reenter or use the burrow during the period that Covered Activities occur in the Project Area or discreet Work Area(s). If an individual BUOW does not vacate a burrow within a reasonable timeframe, Permittees shall consult with CDFW for written guidance before proceeding with burrow excavation. An established BUOW burrow no-disturbance buffer may be removed once the burrow is collapsed and BUOW are no longer using the burrow.</p> <ul style="list-style-type: none"> Excavation of known BUOW burrows shall only occur after the Designated Biologist has determined that BUOW is not currently present after four consecutive 24-hour periods of wildlife camera monitoring. The camera types used for camera monitoring should be chosen at the discretion of the approved BUOW Designated Biologist(s) and shall have daytime and nighttime recording/photo-capture capabilities. If the excavation process reveals evidence of current use by BUOW, then burrow excavation shall cease immediately, and camera monitoring as described above shall be conducted/resumed. BUOW burrows shall be carefully excavated with hand tools, or by mechanical means if a specific methodology is approved in writing by CDFW, until it is clear no individuals of BUOW are inside. BUOW burrows used for nesting shall not be excavated until biological and camera monitoring confirm that the chicks have fledged and are no longer dependent on the nest and/or the parents and then only after written concurrence from CDFW. 	ITP Condition # 7.16	Construction Phase	Permittee	
<p><u>O&M Covered Activities Requirement.</u> Permittee shall implement all Conditions of Approval <u>General Provisions and Monitoring, Notification and Reporting Provisions</u> of the ITP for all O&M Covered Activities as applicable.</p>	ITP Condition # 7.17	O&M Phase	Permittee	
<p><u>O&M Covered Activities Designated Biologist(s) or Designated Monitor(s) On-site.</u> The CDFW-approved Designated Biologist(s) or Designated Monitor(s) shall be on-site during all ground- and vegetation-disturbing activities.</p>	ITP Condition # 7.18	O&M Phase	Permittee	
<p><u>O&M Covered Activities Work Hours.</u> Permittee shall confine any O&M Covered Activities to daylight hours (sunrise to sunset) with the exception of any O&M or replacement work that must occur after dark to ensure PV arrays are not energized, emergency response activities (e.g. catastrophic failures, security issues, etc.), or BUOW take minimization measures as applicable. Permittee shall ensure that all vehicle traffic necessary during nighttime Covered Activities be conducted at speeds of less than 10 mph to minimize impacts to Covered Species.</p>	ITP Condition # 7.19	O&M Phase	Permittee	
<p><u>O&M Covered Activities Vehicle Parking.</u> During all O&M Covered Activities Permittee shall not allow vehicles to park on top of potential Covered Species burrows. Vehicles left overnight shall be located the applicable avoidance distances as defined in Condition of Approval <u>BUOW Burrow Avoidance</u>.</p>	ITP Condition # 7.20	O&M Phase	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<u>O&M Phase Vehicle and Equipment Inspection.</u> During the O&M phase, workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist shall be contacted to determine if the individual can be safely moved under the Conditions of Approval of the ITP.	ITP Condition # 7.21	O&M Phase	Permittee	
<u>O&M Phase Permanent Security Fence Inspection.</u> During the O&M phase, workers shall inspect the Permanent Security Fence monthly to ensure vegetation, debris, or other materials are not blocking the functional permeability of the fence and will maintain the fence in accordance with the <u>Permanent Security Fencing Plan</u> .	ITP Condition # 7.22	O&M Phase	Permittee	
<u>O&M Covered Activities Pipes and Materials Inspection.</u> Permittee shall ensure that all pipes or similar materials stockpiled or replaced in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes or similar materials or structures open where Covered Species may enter them and become trapped. Workers shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such material does not vacate on its own volition within a reasonable timeframe, Permittee shall contact CDFW to obtain written concurrence via email before proceeding with eviction of the Covered Species.	ITP Condition # 7.23	O&M Phase	Permittee	
<u>O&M Covered Activities BUOW Observations.</u> During all O&M Covered Activities within the Project Area, all workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease immediately until the Covered Species moves from the Project Area of its own accord. If a Covered Species does not vacate on its own volition within a reasonable timeframe, Permittee shall contact CDFW to obtain written concurrence via email before proceeding with eviction of the Covered Species.	ITP Condition # 7.24	O&M Phase	Permittee	
<u>O&M Covered Activities BUOW Avoidance.</u> Unless otherwise approved in writing by CDFW in accordance with Condition of Approval <u>Covered Species Buffer Reduction</u> , if a known, or nesting BUOW burrow is identified, BUOW burrow avoidance shall occur in accordance with Condition of Approval <u>BUOW Burrow Avoidance</u> prior to conducting ground- or vegetation-disturbing O&M Covered Activities. If the no-disturbance buffers cannot be established, then den blockage or excavation and replacement (if applicable) shall occur in accordance with Conditions of Approval <u>BUOW Burrow Blockage</u> , <u>BUOW Excavation</u> , <u>BUOW Burrow Mortality Reduction Plan</u> , and <u>BUOW Artificial Burrow Replacement Plan</u> as appropriate.	ITP Condition # 7.25	O&M Phase	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p>O&M Covered Activities BUOW Injury. If a BUOW is injured as a result of conducting O&M Covered Activities, or otherwise found injured in the Project Area, the Designated Biologist shall immediately take the Covered Species to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting O&M Covered Activities if changed from previous approvals. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the BUOW immediately by phone and e-mail followed by a written incident report within two calendar days of the incident as described in the Condition of Approval <u>Notification of Take or Injury</u>. The Designated Biologist shall follow the <u>BUOW Mortality Reduction Plan</u> to either immediately transport injured individuals to a CDFW-approved wildlife rehabilitation center or veterinary facility or follow approved collection and storage procedures for deceased individuals. Permittee shall bear any cost associated with care and recovery of any injured BUOW adults, nestling(s) or egg(s) and hacking (controlled release of captive reared young).</p>	ITP Condition # 7.26	O&M Phase	Permittee	
<p>Habitat Management Land Acquisition: CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.</p> <p>To meet this requirement, the Permittee shall either purchase 159 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval <u>Covered Species Credits</u> below OR shall provide for both the permanent protection and management of 159 acres of Habitat Management (HM) lands pursuant to Condition of Approval <u>Habitat Management Lands Acquisition and Protection</u> below and the calculation and deposit of the management funds pursuant to Condition of Approval <u>Endowment Fund</u> below. Purchase of Covered Species credits or permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 24 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval <u>Security</u> below for all uncompleted obligations. Alternatively, CDFW has conceptually approved the use of an 84.6-acre site immediately adjacent to the Project Area, owned by California State Land Commission (CSLC) (Assessor's Parcel Number 237-055-13-00-4) and identified as "Joshua Tree Preservation/Enhancement Area" on Figures 2 and 3, to be used to meet the HM lands requirement. The overall CSLC parcel is 160 acres and 75.4 acres of that will be developed with solar panels as part of this Project. This reduced acreage is only applicable to this specific parcel, if secured for the HM lands, due to its proximity to the impact area, high ecological value, and better habitat quality as compared to the impact area.</p>	ITP Condition # 8	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<u>Covered Species Credits</u> . If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 159 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 24 months from the issuance of this ITP if Security is provided pursuant to <u>Condition of Approval</u> Security below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 24 months from issuance of this ITP if Security is provided.	ITP Condition #8.2	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<u>Habitat Management Lands Acquisition and Protection</u> . If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall:	ITP Condition #8.3	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<u>Fee Title</u> . Designate an entity for CDFW authorization to hold title to and manage the property and provide documentation to ensure the entity meets the requirements of Government Code sections 65965-65968, as amended. CDFW, in its sole discretion, may authorize a governmental entity, special district, nonprofit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended;	ITP Condition #8.3.1	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<u>Conservation Easement</u> . Designate an entity approved in writing by CDFW to act as grantee for a conservation easement over the HM lands and provide documentation ensuring the proposed entity meets the requirements of Civil Code section 815.3. CDFW shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. CDFW shall be expressly named in the conservation easement as a third-party beneficiary; The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement;	ITP Condition #8.3.2	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<u>Land Manager</u> . Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion;	ITP Condition #8.3.3	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<u>HM Lands Approval</u> . Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;	ITP Condition #8.3.4	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<u>HM Lands Documentation</u> . Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=233169&inline). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;	ITP Condition #8.3.5	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<u>Management Plan</u> . Submit for CDFW approval a long-term management plan (see https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline) prior to acquisition and/or transfer of the HM lands. This document shall identify the CDFW approved interim and long-term Land Managers and Conservation Easement grantee, the responsibilities for each party, and procedure for transfer of these responsibilities to ensure that the lands are managed in perpetuity for the benefit of the Covered Species.	ITP Condition #8.3.6	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<u>Start-up Activities</u> . Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (2) establishing initial fencing; (3) conducting litter removal; and (4) installing signage;	ITP Condition #8.3.7	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<u>Interim Management (Initial and Capital)</u> . Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management; and Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.	ITP Condition #8.3.8	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Endowment Fund.</u> If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment. The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval <u>Management Plan</u>. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	ITP Condition #8.4	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<p><u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended.</p> <p>Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e).</p> <p>Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).</p>	ITP Condition #8.4.1	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.</p> <ul style="list-style-type: none"> • <u>Capitalization Rate and Fees.</u> Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees. • <u>Endowment Buffers/Assumptions.</u> Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment: • <u>10 Percent Contingency.</u> A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. • <u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding. • <u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW. 	ITP Condition #8.4.2	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<p><u>Transfer Long-term Endowment Funds.</u> Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.</p>	ITP Condition #8.4.3	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p><u>Management of the Endowment.</u> The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.</p> <p>Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.</p>	ITP Condition #8.4.4	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	
<p><u>Reimburse CDFW.</u> Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.</p>	ITP Conditions #8.5	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p>Security: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval <u>Habitat Management Land Acquisition</u> that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <p>9.1 <u>Security Amount.</u> The Security shall be in the amount of \$3,122,164. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval <u>Cost Estimates</u> above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.</p> <p>9.2 <u>Security Form.</u> The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</p> <p>9.3 <u>Security Timeline.</u> The Security shall be provided to CDFW before Covered Activities begin.</p> <p>9.4 <u>Security Holder.</u> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p>9.5 <u>Security Transmittal.</u> Permittee shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.</p> <p>9.6 <u>Security Drawing.</u> The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP.</p> <p>9.7 <u>Security Release.</u> The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:</p> <p><u>Credit Purchase</u></p> <ul style="list-style-type: none"> • Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits. • Timely submission of all required reports. <p><u>Habitat Management Land Acquisition</u></p> <ul style="list-style-type: none"> • Written documentation of the acquisition of the HM lands; • Copies of all executed and recorded conservation easements; and • Written confirmation from the approved Endowment Manager of its receipt of the full Endowment. • Timely submission of all reports <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 24 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 9	Before performing BUOW Exclusion Activities (or within 24 months of issuance of the ITP if Security is provided)	Permittee	

ATTACHMENT 2

Biologist Resume Form

**BIOLOGIST RESUME**

Project Name:

LSA Agreement/ITP Number(s):

COVER SHEET

SUBMIT EACH RESUME AS A SEPARATE DOCUMENT

Name	Requested Role(s) ¹	Species/Resource(s)

This form requests information about the qualifications of the Qualified Biologist, Designated Biologist and Biological Monitor specified in California Endangered Species Act Incidental Take Permits (ITP) and Lake or Streambed Alteration (LSA) Agreements issued by California Department of Fish and Wildlife (CDFW). **Completing this form will ensure the receipt of adequate information and expedite CDFW review of qualifications.**

¹ Requested roles correspond to the biological staffing requirements indicated in the Lake and Streambed Alteration (LSA) Agreement or California Endangered Species Act Incidental Take Permit (ITP). Roles may include a "Qualified Biologist" or "Designated Biologist" with the necessary experience to survey for special status species, or a "Biological Monitor" with the necessary experience to monitor construction activities for special status species. An individual may request more than one role.

**BIOLOGIST RESUME**

Project Name:

LSA Agreement/ITP Number(s):

SECTION I. NAME AND CONTACT INFORMATION

Name:

Title:

Company Name & Address:

Phone:

Email:

SECTION II. EDUCATION

College/University, Degree Name and Type Related to Natural Resource Science (e.g., BS in ecology), and Dates of Attendance:

Other Relevant Workshops & Training:

SECTION III. ROLE(S) AND PERMIT REQUIREMENTS

Requested Role(s):

Relevant LSA Agreement Measures or ITP Conditions²:**SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY**

This section summarizes experience by special status species and other resource. Use one row for each species or other resource where surveys or special protections are required in the CESA ITP or LSA Agreement for which biologist approval is requested.³ If more space is needed, add rows to this table. Provide details in Section V.

Species or Resource	Number of Field Seasons & Hours, Life Stages Observed Provide project details in Section 5	Life History Knowledge Describe formal workshops & training with dates, or informal training details	CDFW SCP, MOU, & USFWS 10a1a Authorization Number & Authorized Activities This form does not fulfill SCP, MOU, & USFWS 10a1a reporting requirements
Insert Species or Resource 1	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:
Insert Species or Resource 2	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:
Insert Species or Resource 3	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:

² List all measures and conditions from the LSA Agreement or ITP requiring biological staff (i.e., Qualified Biologist, Designated Biologist, or Biological Monitor).

³ Often LSA Agreements/ITPs require surveys and other protections for multiple species and other resources. Include only those for which the biologist has experience and is requesting approval.


BIOLOGIST RESUME

Project Name:

LSA Agreement/ITP Number(s):

SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS

This section details experience from the three most recent and relevant projects for each species and resource identified in Section IV. If more space is needed, attach additional pages in the same table format (i.e., copy/paste format).

SPECIES OR RESOURCE 1:
Project 1 Name & Location:
Project Start Date:
Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:
Role(s)⁴:
Survey Type(s)⁵:
Construction Monitoring⁶
Days:
Activities:
Species Life Stages Observed & Handled, Number of Each
Company Name, Professional Reference Name, Phone, Email:
Life Stage:
Number Observed:
Number Handled:
Reported to
CNDDB⁷ (Y/N):
If not reported to CNDDB, why:
CDFW and Other Agency Email:
Project 2 Name & Location:
Project Start Date:
Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:
Role(s):
Survey Type(s):
Construction Monitoring:
Days:
Activities:
Species Life Stages Observed & Handled, Number of Each
Company Name, Professional Reference Name, Phone, Email:
Life Stage:
Number Observed:
Number Handled:
Reported to
CNDDB (Y/N):

⁴ Insert the role as described in the associated LSA Agreement, ITP or other agency permit. If these permits were not issued, describe the role based on the duties, e.g., "lead biologist with handling authorization" or "biological monitor."

⁵ For example, pre-construction survey or description of the protocol or guideline followed.

⁶ Include the number of days and describe the types of activities monitored (e.g., heavy equipment operation).

⁷ CNDDB is the abbreviation for California Natural Diversity Database.

**BIOLOGIST RESUME**

Project Name:

LSA Agreement/ITP Number(s):

If <u>not</u> reported to CNDDDB, why:	
CDFW and Other Agency Email:	
Project 3 Name & Location:	
Project Start Date:	Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	
Role(s):	
Survey Type(s):	
Construction Monitoring Days: Activities:	
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDDB, why:	
CDFW and Other Agency Email:	
Additional Information:	
SPECIES OR RESOURCE 2:	
Project 1 Name & Location:	
Project Start Date:	Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	
Role(s):	
Survey Type(s):	
Construction Monitoring Days: Activities:	
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDDB, why:	
CDFW and Other Agency Email:	



BIOLOGIST RESUME

Project Name:

LSA Agreement/ITP Number(s):

Project 2 Name & Location:	
Project Start Date:	Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	
Role(s):	
Survey Type(s):	
Construction Monitoring Days: Activities:	
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDDB, why:	
CDFW and Other Agency Email:	
Project 3 Name & Location:	
Project Start Date:	Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	
Role(s):	
Survey Type(s):	
Construction Monitoring Days: Activities:	
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDDB, why:	
CDFW and Other Agency Email:	
SPECIES OR RESOURCE 3:	
Project 1 Name & Location:	
Project Start Date:	Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	

**BIOLOGIST RESUME**

Project Name:

LSA Agreement/ITP Number(s):

Role(s):	
Survey Type(s):	
Construction Monitoring Days: Activities:	
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDDB, why:	
CDFW and Other Agency Email:	
Project 2 Name & Location:	
Project Start Date:	End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	
Role(s):	
Survey Type(s):	
Construction Monitoring Days: Activities:	
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDDB, why:	
CDFW and Other Agency Email:	
Project 3 Name & Location:	
Project Start Date:	Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	
Role(s):	
Survey Type(s):	
Construction Monitoring:	



BIOLOGIST RESUME

Project Name:

LSA Agreement/ITP Number(s):

Days: Activities:	
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDDB, why:	
CDFW and Other Agency Email:	

ATTACHMENT 3

Letter of Credit Form

ATTACHMENT 3

[Financial institution letterhead]

IRREVOCABLE STANDBY LETTER OF CREDIT NO. **[number issued by financial institution]**

Issue Date: **[date]**

Beneficiary:

California Department of Fish and Wildlife
Habitat Conservation Planning Branch
960 Riverside Parkway, Suite 90
West Sacramento, CA 95605
Attn: HCPB Mitigation Funds

Amount: U.S. \$**[dollar number]** **[(dollar amount)]**

Expiry: **[Date]** at our counters

Dear Sirs:

1. At the request and on the instruction of our customer, **[name of applicant]** ("Applicant"), we, **[name of financial institution]** ("Issuer"), hereby establish in favor of the beneficiary, the California Department of Fish and Wildlife ("CDFW"), this irrevocable standby letter of credit ("Credit") in the principal sum of U.S. \$**[dollar number]** **[(dollar amount)]** ("Principal Sum").
2. We are informed this Credit is and has been established for the benefit of CDFW pursuant to the terms of the incidental take permit for the **[name of project]** issued by CDFW to the Applicant on **[date]** (No. **[number]**) ("Permit").
3. We are further informed that pursuant to the Permit, the Applicant has agreed to complete certain mitigation requirements in the Permit ("Mitigation Requirements").
4. We are finally informed that this Credit is intended by CDFW and the Applicant to serve as a security device for the performance by the Applicant of the Mitigation Requirements.
5. CDFW shall be entitled to draw upon this Credit only by presentation of a duly executed Certificate for Drawing ("Certificate") in the same form as Attachment A,

which is attached hereto, at our office located at [***name and address of financial institution***].

6. The Certificate shall be completed and signed by an Authorized Representative of CDFW as defined in paragraph 12 below. Presentation by CDFW of a completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.
7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to CDFW, or to the account of CDFW, in immediately available funds, as CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of CDFW, as defined in paragraph 12 below.
12. An Authorized Representative shall mean the Director of CDFW; the General Counsel of CDFW; a Regional Manager of CDFW; or the Branch Manager of CDFW's Habitat Conservation Planning Branch.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.
14. Communications with respect to this Credit shall be in writing and addressed to us at [***name and address of financial institution***], specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for CDFW: Department of Fish and Wildlife, Habitat Conservation Planning Branch, 960 Riverside Parkway, Suite 90, West

Sacramento, CA 95605, Attn: HCPB Mitigation Funds; and (ii) for the Applicant:
[name and address of applicant].

15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the laws of the State of California.
17. This Credit shall, if not canceled, expire on **[expiration date]**, or any extended expiration date.
18. We hereby agree with CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.
19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

[Name of financial institution]

By: _____
Name: _____
Title: _____
Telephone: _____

ATTACHMENT A

CERTIFICATE FOR DRAWING

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

Re: Irrevocable Standby Letter of Credit No. **[number issued by financial institution]**

The undersigned, a duly Authorized Representative of the California Department of Fish and Wildlife ("CDFW"), as defined in paragraph 12 in the above-referenced standby letter of credit ("Credit"), hereby certifies to the Issuer that:

1. **[Insert one of the following statements:** "In the opinion of CDFW, the Applicant has failed to complete the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "As set forth in paragraph 13, the Issuer has informed CDFW that the Credit will not be extended and the Applicant has not provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. The undersigned is authorized under the terms of the Credit to present this Certificate as the sole means of demanding payment on the Credit.
3. CDFW is therefore making a drawing under the Credit in amount of U.S. \$_____.
4. The amount demanded does not exceed the Principal Sum of the Credit.

Therefore, CDFW has executed and delivered this Certificate as of this ____ day of **[month]**, **[year]**.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

[Insert one of the following: "Director" **or** "General Counsel" **or** "Regional Manager, [Name of Regional Office]" **or** "Branch Manager, Habitat Conservation Planning Branch"]

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

Re: Irrevocable Standby Letter of Credit No. **[number issued by financial institution]**

The undersigned, a duly Authorized Representative of the California Department of Fish and Wildlife ("CDFW"), as defined in the paragraph 12 in the above-referenced Irrevocable Standby Letter of Credit ("Credit"), hereby certifies to the Issuer that:

1. **[Insert one of the following statements:** "The Applicant has presented documentary evidence of full compliance with the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "The Applicant has provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. CDFW therefore requests the cancellation of the Credit.

Therefore, CDFW has executed and delivered this Certificate for Cancellation as of this ____ day of **[month]**, **[year]**.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

[Insert one of the following: "Director" **or** "General Counsel" **or** "Regional Manager, [Name of Regional Office]" **or** "Branch Manager, Habitat Conservation Planning Branch"]